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SEEU Review aims to provide an international forum for research, analysis, and debate from a broad range of fields, such as: economics, law, public administration, education, language and linguistics, philosophy, sociology and environmental health sciences. SEEU Review will accept the following types of articles for consideration: research, position papers, white papers, and reviews.

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Foreword • Hyrje • Предговор

Dear readers,

We have the honor to present to you the new issue of scientific journal *SEEU Review*, Vol. 6. No.1. Real and complex analysis as a method of work and personal skills are bases and required condition for research work. This has been and remains the main principle according to which is specified the content of this research journal.

In this issue of *SEEU Review*, with their works are presented recognized researchers, and many young researchers as well, who have given their contribution in order the journal to be more rich and complete.

In this edition are included scientific papers that deal with recent developments in the filed of teaching, international relations, environment, regional current affairs and research work on the study areas within the SEE University.

The editorial board is trying to make fair selection of these works, by giving space for the works that have scientific significance, that are addressing current issues and during research process they are served with appropriate research methods, depending on the nature of scientific paper.

We welcome as well the academic collaboration with academic staff of other universities. SEEU is an open institution, having strong and developing links with other institutions in the region and abroad.

Finally we wish to thank our staff for their commitment, dedication and professional work for publishing this issue. The editorial board is thanking the authors and reviewers for the patience and good will shown for cooperation at any stage of the review process of the *SEEU Review*.



Të nderuar lexues,

Kemi kënaqësinë t'ua prezantojmë numrin e ri të revistës shkencore *SEEU Review*, Vëll. 6. Nr.1. Analiza e mirëfilltë dhe komplekse si metodë punë dhe aftësi personale është bazë dhe kusht elementar për punën hulumtuese. Ky ka qenë dhe është parimi kryesor sipas të cilit edhe është përcaktuar përmbajtja e kësaj reviste shkencore.

Në këtë numër të revistës shkencore të UEJL-së, me punimet e tyre janë prezantuar hulumtues të njohur, por edhe shumë hulumtues të rinj, të cilët kanë dhënë kontributin e tyre, që ajo të jetë më e begatë dhe më e plotësuar.

Në këtë numër janë përfshirë punime shkencore që kanë të bëjnë me zhvillimet e fundit në fushën e mësimdhënies, marrëdhënieve ndërkombëtare, mjedisit jetësor, aktualitete rajonale dhe punime hulumtuese në fushat studimore në kuadër të UEJL-së.

Redaksia është munduar që të bëjë një përzgjedhje të mirëfilltë të këtyre punimeve, duke u lënë vend për botim punimeve, të cilat kanë rëndësi shkencore, trajtojnë problematika aktuale dhe gjatë procesit hulumtues janë shërbyer me metodat kërkimore gjegjëse, varësisht nga natyra e punimit shkencor.

Ne e kemi mirëpritur bashkëpunimin edhe me stafin akademik të universiteteve të tjera. UEJL është një institucion i hapur, i cili ka lidhje të forta dhe zhvillimore edhe me institucione të tjera në rajon dhe më gjerë.

Me këtë rast dëshiroj të falënderoj stafin tonë, i cili ndihmoi në botimin e këtij numri të revistës, për përkushtimin, angazhimin dhe punën profesionale. Këshilli botues poashtu falënderon autorët dhe recensentët për durimin dhe vullnetin e mirë për të bashkëpunuar në çdo fazë të procesit recensues të *SEEU Review*.



Почитувани читатели,

Ни причинува чест да ви го претставиме новото издание на научниот магазин *SEEU Review*, том 6. број 1. Реалните и комплексни анализи кои се метод на работа како и личните вештини се основен услов за истражувачката работа. Ова се главните принципи во согласност со кои се одредува содржината на овој истражувачки магазин.

Во ова издание на научниот магазин- *SEEU Review*, познати истражувачи и многу млади истражувачи ги претставија своите трудови и дадат придонес со цел магазинот да биде просперитетен и комплетен.

Во изданието се вклучени научните трудови во кои се обработени најновите развои во областа на наставата, меѓународните односи, животната средина, регионалните и актуелни трендови и истражувачки трудови од студиските области во Универзитетот.

Уредничкиот одбор се обидува да направи праведен избор на трудови отстапувајќи место на трудовите кои имаат научно значење, кои ги обработуваат тековните проблеми и во кои се употребени соодветните истражувачки методи во зависност од природата на научниот труд.

Ние исто така ја поздравуваме академската соработка со академскиот кадар од другите универзитети . ЈИЕУ е отворена институција која има јаки и развојни врски со другите институции во регионот и пошироко.

На крајот, им се заблагодаруваме на нашиот кадар за нивната заложба, посветеност и професионална работа за издавање на ова издание. Уредничкиот одбор се заблагодарува на авторите и на рецензентите на трпението и на добрата волја за соработка во сите процеси на ревизија на Научниот магазин - *SEEU Review*.

Prof. Dr. Murtezan Ismaili
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On an euler type transform of numeric series

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Abstract

In this paper we give an example of a numeric series whose coefficients satisfy the conditions under which an Euler-type transform of series, established earlier, accelerate the convergence of the original series. Also an analysis of the transform algorithm is given and the rate of acceleration is demonstrated.

Abstrakt

Në këtë punim japim një shembull serie numerike, koeficientët e të cilës plotësojnë kushtet nën të cilat një transformim serish i tipit të Euler-it, i formuluar më parë, përshpejton konvergencën e serisë fillestare. Poashtu, është dhënë një analizë e algoritmit të transformimit dhe është demonstruar shkalla e përshpejtimit.

Абстракт

Во овој труд даваме пример на бројни редови, чии коефициенти ги исполнуваат условите под кои една трансформација на редови од типот на Euler, дефинирано претходно, ја забрзува конвергенцијата на почетниот ред. Истотака, е дадена една анализа на трансформираниот алгоритам и е демонстриран степенот на забрзување.

Introduction

Let $\sum_{n=0}^{\infty} (-1)^n a_n x^n$ be a convergent real power series and $x > 0$.

The following identity is well known as Euler transform [3 , pp. 384–386]

$$\sum_{n=0}^{\infty} (-1)^n a_n x^n = \frac{1}{1+x} \sum_{k=0}^{\infty} (-1)^k \Delta^k (a_0) \left(\frac{x}{1+x} \right)^k .$$

It is well known also that the Euler transform does not necessarily accelerate the convergence of a series, i.e. there are examples [5] where the transformed series converges faster as well as those where it converges slower than the original one.

In papers [4], [5] and [1] a linear operator on a set of number sequences $\{ a_n \}_{n=0}^{\infty}$

was defined by

$$\Delta_{r_1}^1 (a_n) = \Delta_{r_1} (a_n) = a_{n+1} - r_1 a_n ,$$

$$\Delta_{r_1 r_2 \cdots r_{m+1}}^{m+1} (a_n) = \Delta_{r_{m+1}}^1 (\Delta_{r_1 r_2 \cdots r_m}^m (a_n)) \quad (m = 1, 2, \dots) ,$$

where $\{ r_m \}_{m=1}^{\infty}$ is a given sequence of real numbers. By means of this operator of generalised difference, modified Euler transforms stated by the following theorems were established.

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Theorem 1.1 ([4]). Let $\sum_{n=0}^{\infty} a_n$ be a real or complex convergent number series and $\{ r_k \}_{k=1}^{\infty}$ a sequence of real numbers such that $r_k \neq 1$ ($k = 1, 2, \dots$).

For every positive integer p the following equality holds

$$\sum_{n=0}^{\infty} a_n = \frac{a_0}{1-r_1} + \sum_{k=1}^{p-1} \frac{\Delta_{r_1 r_2 \dots r_k}^k(a_0)}{(1-r_1) \dots (1-r_{k+1})} + \frac{1}{(1-r_1) \dots (1-r_p)} \sum_{n=0}^{\infty} \Delta_{r_1 r_2 \dots r_p}^p(a_n)$$

We say that a series $\sum_{n=0}^{\infty} a_n$ converges faster than a convergen series

$$\sum_{n=0}^{\infty} b_n \quad \text{if} \quad \lim_{n \rightarrow \infty} \frac{a_n}{b_n} = 0.$$

The following remark gives the conditions under which these transforms accelerate the convergence of series. Notice that the conditions are given in terms of the operator

$\Delta_{r_1 r_2 \dots r_k}^k$ of generalised difference.

Remark 1.1. If there exist finite limits

$$\lim_{n \rightarrow \infty} \frac{\Delta_{r_1 r_2 \dots r_k}^k(a_{n+1})}{\Delta_{r_1 r_2 \dots r_k}^k(a_n)} \quad (k=0, 1, 2, \dots, p-1),$$

then for

$$r_1 = \lim_{n \rightarrow \infty} \frac{a_{n+1}}{a_n}, \quad r_{k+1} = \lim_{n \rightarrow \infty} \frac{\Delta_{r_1 r_2 \dots r_k}^k(a_{n+1})}{\Delta_{r_1 r_2 \dots r_k}^k(a_n)} \quad (k=1, 2, \dots, p-1),$$

the right-hand side series in Theorems 1.1 converge faster than the appropriate series on the left-hand side.

Notice that for $r_k = r \quad (k=1, 2, \dots, p)$ statements of Theorems 1.1, and

Remark 1.1 are given in [7]. Furthermore, for $r_k = 1 \quad (k=1, 2, \dots, p)$ the transform is considered in [6].

The following theorem gives a property of the operator $\Delta_{r_1 r_2 \dots r_k}^k$ when applied on an alternating sequence $\{(-1)^n a_n\}_{n=0}^\infty$. Then, this property is used in order to establish modified Euler transforms for alternating number series.

Theorem 1.2. ([2]). Let $\{a_n\}_{n=0}^\infty$ and $\{r_m\}_{m=1}^\infty$ be arbitrary sequences of real or complex numbers. For every positive integers m and n the following equality holds

$$\Delta_{r_1 r_2 \dots r_m}^m ((-1)^n a_n) = (-1)^{n+m} \Delta_{-r_1 - r_2 \dots - r_m}^m (a_n).$$

If we put $a_n := (-1)^n a_n \quad (n = 0, 1, 2, \dots)$ and $r_k := -r_k \quad (k = 1, 2, \dots)$

in Theorem 1.1, and make use of Theorem 1.2, we obtain the following modified Euler transform for alternating number series.

Corollary 1.1 ([2]). Let $\sum_{n=0}^\infty (-1)^n a_n$ be a real or complex convergent number series and $\{r_k\}_{k=1}^\infty$ a sequence of real numbers such that $r_k \neq -1 \quad (k = 1, 2, \dots)$. For every positive integer p the following equality holds

$$\begin{aligned} \sum_{n=0}^\infty (-1)^n a_n &= \frac{a_0}{1+r_1} + \sum_{k=1}^{p-1} (-1)^k \frac{\Delta_{r_1 r_2 \dots r_k}^k (a_0)}{(1+r_1) \dots (1+r_{k+1})} \\ &+ \frac{(-1)^p}{(1+r_1) \dots (1+r_p)} \sum_{n=0}^\infty (-1)^n \Delta_{r_1 r_2 \dots r_p}^p (a_n) \quad \dots (1) \end{aligned}$$

Specially, for $r_k = 1 \quad (k = 1, 2, \dots, p)$ Corollary 1.1 gives the classical Euler transform for number series [3, p. 386].

Notice that the conditions under which the transforms given in Corollary 1.1 accelerate the convergence of series are the same as those given in Remark 1.1.

Since the differences $\Delta_{r_1 r_2 \dots r_k}^k (a_n)$ can be calculated recursively, in practical implementations an appropriate triangular difference scheme could be used for the computations. Thus the number of operations needed for computing a single summand for the transformed series can be reduced to order $O(p^2)$. This means that, for a given p , the number of operations needed for computing the first q individual summands of the transformed series is of order $O(q)$.

2. AN EXAMPLE

We illustrate in numerical examples the acceleration of convergence of series by the transforms. The examples also illustrate the scope of the class of sequences $\{a_n\}_{n=0}^{\infty}$ for which the conditions stated in Remark 1.1 are satisfied.

Example 2.1.

In Corollary 2.1, we put

$$a_n := \frac{1}{Aa^n + Bb^n},$$

where A, B, a and b are real or complex numbers such that $B \neq 0$, $|a| < |b|$

and for all positive integers n holds $Aa^n + Bb^n \neq 0$.

If $Aa = 0$ and $|b| > 1$, we have $r_1 = \frac{1}{b}$, $\Delta_{r_1}^1 (a_n) = 0$, and for $p = 1$

the transform gives the formula for summation of geometric series.

If $Aa \neq 0$, the following equalities can be proved by mathematical induction with respect to k applying them successively:

$$r_k = \lim_{n \rightarrow \infty} \frac{\Delta_{r_1 r_2 \dots r_{k-1}}^{k-1}(a_{n+1})}{\Delta_{r_1 r_2 \dots r_{k-1}}^{k-1}(a_n)} = \frac{a^{k-1}}{b^k}$$

($k = 1, 2, \dots$) (2)

and

$$\Delta_{r_1 r_2 \dots r_k}^k(a_n) = \frac{1}{b^{n+k}} \left(\frac{a}{b}\right)^{nk + \frac{1}{2}k(k-1)} \left(\frac{A}{B}\right)^k \times \frac{\prod_{j=1}^k \left(1 - \left(\frac{a}{b}\right)^j\right)}{\prod_{j=0}^k \left(1 + \frac{A}{B} \left(\frac{a}{b}\right)^{n+j}\right)}$$

($k = 1, 2, \dots$) .

Thus, for a given p the acceleration of convergence of the given series by the modified Euler transform, i.e. the speed by which the fraction

$$\frac{\Delta_{r_1 r_2 \dots r_p}^p(a_n)}{a_n} \text{ converges to } 0 \text{ (as } n \rightarrow \infty \text{) , is of order}$$

$$\mathcal{O}\left(\left|\frac{a}{b}\right|^{pn}\right).$$

In particular, put $A := -1$, $B := 1$, $a = \frac{3}{2}$ and $b = 2$, we get the

following alternating number series $\sum_{n=1}^{\infty} (-1)^n \frac{2^n}{4^n - 3^n}$.

Making use of the preceding consideration we have

$$r_k = \frac{1}{2} \left(\frac{3}{4}\right)^{k-1} \text{ (} k = 1, 2, \dots \text{) .}$$

Obviously, for every positive integer p the sequence $\{r_k\}_{k=1}^{\infty}$ satisfies the conditions given in Remark 1.1, which means that the acceleration of convergence of the given series provided by the transform from Corollary 1.1 is increased by increasing the value of p .

For practical implementation, we rewrite transform (1) as a sum of a finite part and an infinite remainder in the following way

$$\sum_{n=1}^{\infty} (-1)^n a_n = \frac{a_1}{1+r_1} + \sum_{k=1}^{p-1} (-1)^k \frac{\Delta^k_{r_1 r_2 \dots r_k} (a_1)}{(1+r_1) \dots (1+r_{k+1})} + \frac{(-1)^p}{(1+r_1) \dots (1+r_p)} \sum_{n=1}^{\infty} (-1)^n \Delta^p_{r_1 r_2 \dots r_p} (a_n) + R_{q+1} \dots (3)$$

where R_{q+1} is the remainder, given by

$$R_{q+1} = \frac{(-1)^p}{(1+r_1) \dots (1+r_p)} \sum_{n=q+1}^{\infty} (-1)^n \Delta^p_{r_1 r_2 \dots r_p} (a_n).$$

Now, we choose a value of p , calculate the sum of the first two summands at the right-hand side of (3), and then we iterate with respect to q by calculating the third summand

$$\sum_{n=1}^q (-1)^n \Delta^p_{r_1 r_2 \dots r_p} (a_n) \quad (\text{and approximating the remainder } R_{q+1} \approx 0).$$

Table1 illustrates the dependence of the number of iterations needed for an approximate calculation of the sum of given series for the cases $p = 1$, $p = 2$ and $p = 3$.

It shows, for instance, that in order to calculate the approximate sum of the given series with an error not greater than 10^{-6} we must compute the sum of the first 19 terms. To obtain this accuracy for the classical Euler transform we need 18 summands. Applying the modified transform from Corollary 1.1, the same accuracy is obtained by computing the sum of the first 11 terms for $p = 1$, 7 terms for $p = 2$, and 4 terms for $p = 3$.

We mention that the number of operations needed for computing the first q individual summands for the classical Euler transform, as given in Section 1, is of order $O(q^2)$.

Table 1. The number of iterations

\mathcal{E}	Series				
	given	classical	Modified		
			$p = 1$	$p = 2$	$p = 3$
10^{-1}	3	3	1	1	1
10^{-2}	6	6	2	1	1
10^{-3}	9	9	4	2	1
10^{-4}	12	12	6	4	2
10^{-5}	16	15	9	5	3
10^{-6}	19	18	11	7	4
10^{-7}	22	21	13	9	6
10^{-8}	25	24	15	10	7
10^{-9}	29	27	18	12	9

Table 2 illustrates the relative errors of approximate sums of the series for a given number of iterations.

Table 2. Relative errors

q	δ_q for series				
	given	classic	modified		
			$p=1$	$p=2$	$p=3$
1	0.265	0.142	$0.238 \cdot 10^{-1}$	$0.249 \cdot 10^{-2}$	$0.243 \cdot 10^{-3}$
2	$0.967 \cdot 10^{-1}$	$0.570 \cdot 10^{-1}$	$0.550 \cdot 10^{-2}$	$0.389 \cdot 10^{-3}$	$0.266 \cdot 10^{-4}$
3	$0.401 \cdot 10^{-1}$	$0.237 \cdot 10^{-1}$	$0.153 \cdot 10^{-2}$	$0.753 \cdot 10^{-4}$	$0.367 \cdot 10^{-5}$
4	$0.177 \cdot 10^{-1}$	$0.101 \cdot 10^{-1}$	$0.470 \cdot 10^{-3}$	$0.165 \cdot 10^{-4}$	$0.581 \cdot 10^{-6}$
5	$0.817 \cdot 10^{-2}$	$0.439 \cdot 10^{-2}$	$0.154 \cdot 10^{-3}$	$0.389 \cdot 10^{-5}$	$0.100 \cdot 10^{-6}$
6	$0.385 \cdot 10^{-2}$	$0.194 \cdot 10^{-2}$	$0.522 \cdot 10^{-4}$	$0.965 \cdot 10^{-6}$	$0.183 \cdot 10^{-7}$
7	$0.185 \cdot 10^{-2}$	$0.872 \cdot 10^{-3}$	$0.183 \cdot 10^{-4}$	$0.248 \cdot 10^{-6}$	$0.348 \cdot 10^{-8}$
8	$0.897 \cdot 10^{-3}$	$0.396 \cdot 10^{-3}$	$0.650 \cdot 10^{-5}$	$0.653 \cdot 10^{-7}$	$0.679 \cdot 10^{-9}$
9	$0.439 \cdot 10^{-3}$	$0.181 \cdot 10^{-3}$	$0.235 \cdot 10^{-5}$	$0.175 \cdot 10^{-7}$	$0.135 \cdot 10^{-9}$
10	$0.216 \cdot 10^{-3}$	$0.834 \cdot 10^{-4}$	$0.857 \cdot 10^{-6}$	$0.475 \cdot 10^{-8}$	$0.274 \cdot 10^{-10}$
11	$0.107 \cdot 10^{-3}$	$0.387 \cdot 10^{-4}$	$0.315 \cdot 10^{-6}$	$0.130 \cdot 10^{-8}$	$0.560 \cdot 10^{-11}$
12	$0.528 \cdot 10^{-4}$	$0.180 \cdot 10^{-4}$	$0.116 \cdot 10^{-6}$	$0.359 \cdot 10^{-9}$	$0.116 \cdot 10^{-11}$
13	$0.262 \cdot 10^{-4}$	$0.844 \cdot 10^{-5}$	$0.431 \cdot 10^{-7}$	$0.994 \cdot 10^{-10}$	$0.239 \cdot 10^{-12}$
14	$0.131 \cdot 10^{-4}$	$0.397 \cdot 10^{-5}$	$0.160 \cdot 10^{-7}$	$0.276 \cdot 10^{-10}$	$0.499 \cdot 10^{-13}$

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Long-term Sustainability in Linking Education with Business Environment

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Abstract

Croatian universities face the necessity to adapt to a series of profound global changes brought upon by the knowledge-based economy, established by Lisbon Council. There is an evident lack of cooperation between universities and business sector in Croatia. This is due to the lack of researching framework within the universities itself.

The main purpose of the paper is to highlight the need for changing the usual way of university – business relationship. The aim is to enlighten the importance of recognizing business environment as a potential partner for the future development and the overall qualitative improvement of the university. An empirical analysis was conducted at the Department of Economics and Tourism “Dr.Mijo Mirković using questionnaires. Interviews were conducted with the responsible managers in the most prominent business companies in Istrian County to get their opinion on the relationship between academic and business sector.

The results show that there is a need to re-examine the role of the University in the society; to change its way of functioning, to enrich the usual way of teaching with real business cases, as well as to establish deep links with the business environment. The authors propose one possible model of University’s development– establishment of the research and

development centre as the backbone for the creation of economic partnership with the surrounding environment.

Abstrakt

Universitetet kroate po përballen me nevojën e përshtatjes me një sërë ndryshimesh të thella globale të ekonomisë së bazuar në dije, nga Këshilli i Lisbonës. Ekziston mungesë e evidentuar e bashkëpunimit ndërmjet universiteteve dhe sektorit afarist në Kroaci. Kjo, vjen si rezultat i mungesës së kornizës hulumtuese në vetë universitetet.

Qëllimi kryesor i këtij punimi është që të nxjerrë në pah nevojën për ndryshimin e mënyrës së zakonshme të raportit universitet - biznes. Pra, qëllimi është të theksohet rëndësia e njohjes së mjedisit afarist, si partner i mundshëm për zhvillimin e ardhshëm dhe përmirësimin cilësor të universitetit. Analizat empirike janë realizuar nga Departamenti i Ekonomisë dhe Turizmit “Dr. Mujo Mirković”, duke përdorur pyetësorë. Janë realizuar intervista me menaxherë në të gjitha kompanitë e njohura në Qarkun e Istrës, që të merret mendimi i tyre për marrëdhëniet ndërmjet sektorit akademik dhe afarist.

Rezultatet kanë treguar se ekziston nevoja e rishqyrtimit të rolit të universitetit në shoqëri, të ndryshojë mënyra e funksionimit, të pasurohet mënyra e zakonshme e mësimdhënies me shembuj real të biznesit si dhe të krijohen lidhje të thella me mjedisin e biznesit. Autorët propozojnë një model për zhvillimin e Universitetit – krijimi i qendrave për hulumtim dhe zhvillim si bazë për krijimin e partneriteteve ekonomike me rrethin e afërt.

Абстракт

Хрватските универзитети се соочуваат со потребата да адаптираат серија длабоки глобални промени според економијата базирана на знаење, од Лисабонскиот совет. Постои евидентен недостаток од соработка меѓу универзитетите и деловниот сектор во Хрватска. Ова е како последица на недостаток на истражувачка рамка во самиот универзитет.

Главната цел на овој труд е да се истакне потребата за промена на вообичаениот начин на универзитетот – деловен однос. Целта е да се истакне важноста од препознавање на деловната средина како потенцијален партнер за идниот развој и целосното квалитативно подобрување на универзитетот. Емпиричките анализи се изведоа на Одделот за економија и туризам „д-р Мујо Мирковиќ“ со употреба на прашалници. Интервјуата беа изведени со одговорни менаџери во сите истакнати деловни компании во Истарскиот округ за да се добие нивното размислување за односот помеѓу академскиот и деловниот сектор.

Резултатите покажуваат дека постои потреба за повторно испитување на улогата на универзитетот во општеството, да се смени начинот на функционирање, да се збогати вообичаениот начин на настава со реални деловни случаи, како и да се основаат длабоки врски со деловната средина. Авторите предлагаат еден можен модел за развој на Универзитетот – основање центри за истражување и развој како основа за создавање економски партнерства со блиската околина.

1. Introduction

The global environment and the concept of sustainable development are of growing importance today. Sustainable development as “the development which meets the needs of current generation without compromising the ability of future generation to meet their own needs” (World Commission on Environment and Development, 1987) is an unmistakable trend which should be achieved at the local, the national and the international level. Contribution of each and every sector in the society is of crucial importance. In order to reach sustainability, business and the public sector contributions are necessary. Government, regional and local authorities should all strive for reaching the sustainable developmental model. The specific focus should be put on universities which hold the key for moving up since they create new leaders for tomorrow’s society. They have the focal role in contributing to the creation of knowledge economy.

Knowledge is closely linked to sustainability. More than two hundred years ago the main sources of growth were land and labour. In the 19th and 20th century, the priority was given to the capital and the technology. With the development of the society, new sources of economic growth were found recently and the relative order has been changed. Human capital and

knowledge are getting very high priority in determining economic growth. (Škare, 2007)

The purpose of this paper is to highlight the need for changing the usual model of university development in Croatia in order to make them more sensitive and more prepared to the surrounding business environment, as well as for the integration in the European knowledge system. The focus was narrowed on one specific university - The Juraj Dobrila University of Pula (hereafter University). The possibility of creating economic partnership with business companies surrounding the University is emphasized. This would bring benefits to both University and the Istrian County (region). The presumption is that the current situation is not sustainable in the long run.

In order to get a real scan of the situation at the University a research was conducted using questionnaires at the biggest department of the University – Department of Economics and Tourism “Dr. Mijo Mirković”. Furthermore, in December 2009, personal interviews were conducted with human resources managers in the most prominent business companies in the Istrian County.

Authors present one possible model of future development of the University – establishment of the research and development centre as a backbone for the creation of economic partnership with the surrounding environment. The model derived after analysing the current situation at the University especially regarding the relationship between faculty (teachers) and the business environment. Due to its possibilities to derive value, the presented model could contribute to the achievement of sustainable development of the Istrian County. In transforming ideas in this particular model, the basic assumptions of an effective project management were followed, always bearing in mind that a particular objective should be achieved within a specific period of time. (Harvard Business School, 2004) The model is based on three focal areas of a successful project management system: (1) when do we do it?, (2) what we do? and (3) how do we do it? (Eve, 2007). Following the Malmo University model used in Sweden - the university working towards sustainability - activities described in this model follow the basic idea that faculty and students transform knowledge into action and action into knowledge. (Axelsson et.al.,2008)

The structure the paper is following the key questions that arose out of the premise that something should be changed in the way universities are managed. These questions are:

1. What are the main characteristics of the higher educational system in Croatia?
2. What is the current situation at the University of Pula in Istria?
3. How could the University start to operate in accordance with the changing environment?

In the first part of the paper the current conditions of the higher educational system in Croatia are analysed. In the second part the special emphasize is put on the University, its importance and the current conditions at the University. The results of the conducted surveys are presented here. In the third part, one possible model for the development of economic partnership is presented. This is only the suggested model which could serve as a backbone for creating economic partnership. The paper concludes with the hope that there will be some initiatives at the University of Pula that will foster the development of the University in line with, or similar to the proposed model. The hope is that the idea proposed through this model will resound. Hopefully there will be initiatives in the future toward creating economic partnership and subsequently, contributing to sustainable development.

2. The Characteristics of the Educational System in Croatia

The development of the national economy depends primarily on the quality of the human resources available. This goes line in line with the quote by Dag Hammarskjöld: *“Fundamentally man is the key to all problems, not money. Funds are valuable only when used by trained, experienced, and devoted men and women. Such people, on the other hand, can work miracles even with small resources and draw wealth out of a barren land.”* (UN, 1995: 3) Therefore, the effective utilization of these resources accompanied with the investment in quality improvement, are to be considered main factors fostering development. Education, if of adequate quality, boosts competitiveness by providing human resources of suitable quality. A well-educated population is necessary, but is not a sufficient condition for reaching sustainable development. The mobilization and utilization of knowledge provides an important contribution in increasing the overall development.

Transitional restructuring of the Croatian economy affected not only the business activities but also the educational sector in all of its aspects. Slowly,

the widespread perception that human knowledge and capabilities are strategic resources for future development became a national statement. Unfortunately, it has no solid ground in reality. The Croatian inclusion into European Research Area and European Higher Education Area offers increasing opportunities for collaborative research projects, as well as for financing. Moreover, these processes should facilitate the transformation of institutions into regional and local knowledge repositories that effectively interact with actors in their economic and social environment.

To comprehend the national dimension of development of the of higher education institutions, it is necessary to observe it in relation with two complementary processes - Europeanization and regionalization of the tertiary education. First of all it is necessary to present the main institutions responsible for the development of the higher educational system in the Republic of Croatia, as well as the current situation the universities face.

The leading authority for science and technology in the Republic of Croatia is Ministry of Science, Education and Sports. The Ministry is responsible for the development and implementation of science, technology and innovation policies. The Croatian government is authorized to appoint Committee on Education Science and Culture. Proposing legislation under the authority of Ministry of Science, Education and Sports is in the domain of the Committee. The National Science Council and National Council for Higher Education are high-level advisory bodies, each with its specific array of responsibilities. The National Science Council is responsible for the general development of scientific activities in Croatia, monitoring and evaluating quality of scientific organizations, making budget proposals for scientific activities and organizing evaluations for scientific projects. The National Council for Higher Education is making annual proposals for the allocation of budget and other resources for science and higher education. Agency for Science and Higher Education, Science and Higher Education Funding Council together with Technology Council are considered intermediate and advisory bodies providing expertise and professional assistance to the leading authorities. Public institutes, institutions of higher education, research legal entities (i.e. Croatian Academy of Arts and Sciences), independent commercial institutes and corporate industrial institutes are considered as research performing institutions.

There are seven Universities in the Republic of Croatia and they are all under the state control. These are: University of Zagreb (biggest), University of Osijek, University of Zadar, University of Rijeka, Juraj Dobrila University of Pula, University of Dubrovnik and University of Split. They have started with the integration of Bologna system since 2005. The main

problems they have been facing is the big number of students, and hence, not adequate number of faculty (teachers) and lack of halls-rooms to accommodate this number of students. Teachers are overloaded with too many students, too many classes and hours of teaching per week and per semester, as well as a lot of administrative work. There are too many students in one group (more than 50) which makes it difficult to accomplish the prime motive of Bologna system. Students are overloaded with seminars, essays, pre-exams, different workshops etc. Student work could not be adequately evaluated for the above reasons. All the above mentioned makes it harder to meet the main purpose and the standard of Bologna system – dedication to the student, more interesting and higher quality lessons, stimulation of student's qualities and competences and the improvement of the relationship between students and teachers. Croatian universities were not prepared for the Bologna reform. They still have to pass through the process of adaptation where the accent should be put on the quality and structure of the studies and individual lessons, the infrastructure available to meet the needs of this kind of educational system and the quality of the faculty. Prior to the Bologna system, the majority of teachers were mainly approaching the matter through the theoretical aspect. There was an evident lack of the practical note. It was not obligatory for students to attend lessons as they could normally learn the matter only through focusing on the theory (books). The practical aspect was left behind. This led to the point that students were not interested into the real business issues. They were isolated from the real life experiences. Definitely, this could not lead nor to the improvement of their skills and competence, nor to the overall development. Today, most of the so called "old school" teachers are mainly focused on books and theories and avoid enrichment of their lessons with practice. Teachers should, through different seminars and workshops, highlight the importance of practical aspect within their course.

In Croatia, there is an evident lack of cooperation between universities and business sector. Scanned by the OECD Thematic Review of Tertiary Education, the cooperation between universities and business environment is poor because the research market in Croatia is weak due to the lack of demand for scientific research from the industrial and business sector. However, academic staff, particularly in small universities located outside the capital region, is neither involved nor motivated to live the real life experiences. One of the reasons for insufficient cooperation is the lack of researching framework within the universities itself. This is reinforced by the general lack of cooperation between academic and business sectors. On the one hand, researchers believe that Croatian enterprises are not particularly interested in cooperation on research, development and innovation (among

other reasons, due to the lack of qualified staff). On the other hand, business people often question the capabilities of researchers to fulfil the needs of the business sector knowing their tight focus on teaching area only. The overall level of cooperation is rather low and lags behind the EU level.

So far, the role of university in innovation and knowledge transfer has been limited. The problem that can be identified in this area is the lack of including scientists from university in problem solving of small, medium and large companies and entrepreneurs. The transfer of real challenging issues and collaborative relationships between local firms and local university fosters interactive learning and knowledge diffusion. It fosters the development and enables students and teachers to integrate more deeply into the business arena. This will be useful for student's future professional development. Teachers will benefit from different possibilities which engagement into business makes them possible (case studies, recent developments in the management system, joint projects etc.).

Characteristics of the educational system influence the country's development, especially the development of regions where the universities are situated. Educational systems reflect national societies, cultures and economies—and shape them, too. (OECD, 2009) Knowledge is a supportive mechanism, acting as an engine for local economy. Students, as human resources are creating and doing the economy. As such, knowledge as the ultimate power, multiplies the benefits of all subjects connected with it. The Government of the Republic of Croatia (2004) has recognized a crucial role of education and science in the development of a knowledge-based society. This has been proved by an increase in investments in scientific and educational sector (without using loans) of 37.95% (€404.7 million) in the period from 2003 to 2007. Nevertheless, there is still a lot to do and a lot to invest. According to The Educational Sector Development Plan 2005 – 2010 there are four key developmental priorities in the Republic of Croatia:

1. to improve the quality and effectiveness of education;
2. to stimulate the continuing professional training of teachers and other educational sector employees;
3. to develop strategies for improvement of management and efficiency of the educational system; and
4. to promote education for social cohesion and economic growth and development.

In order to get the international recognition and to improve the quality and effectiveness of education, Croatian Universities have started with the accreditation process done by well-known accreditation organisations (i.e. EFMD). The continuing professional training of teachers and other employees are stimulated through different projects (i.e. ERASMUS, TEMPUS, FP7, etc.). In order to get the quality certificate universities have started to create their own developmental strategies (i.e. Juraj Dobrila University of Pula is working on its development strategy). Beyond the defined developmental priorities, there is an evident lack of connections between the academic world and the business environment. It seems that Croatia still lags behind reaching its main strategic goal defined in 2006 - *“To create the most competitive science and education sector in this part of Europe by 2010”* (Science and Technology Policy of the Republic of Croatia 2006 – 2010, p. 5). The main challenge is to improve the competence and competitiveness of faculty and to strengthen the research activities within university. It is crucial for the overall development to establish constructive linkage with the business environment. The Republic of Croatia should implement radical changes and strive to build capacity for competitiveness and community development. Benchmark against North Cyprus reforms could be used. (Mertkan-Ozunlu and Thomson, 2009) Therefore, it is crucial for Croatia to make some qualitative changes in the educational system with specific focus on the higher education. For the good qualitative improvement of educational system in the future, Croatia should take into the consideration the best examples. For instance, American universities are completely free to decide for themselves what they wish to be in the future. If Croatian Universities want to pursue excellence, they should define other mission in terms of instruction and service for all or just for segments of communities and industries in their immediate physical environment. If they want to succeed they cannot rely on the government approval or policy but on the ability of its top officials to mobilize the needed resources. (Halachmi and Ngok, 2009)

In the future university should be the one striving for excellence, the leading institution in the region which generates innovation and excellence. Innovation as an impetus for competitiveness and sustainable development of the country should be motivated by conscious quest for new knowledge and its adequate application in practice. (Chobanova, 2008) Hence, the focus should be put on the demand for new knowledge, or new ways of disseminating knowledge. In terms of institutional precondition for research activities there is a room for manoeuvre among Croatian Universities, especially in newly established ones.

In the following chapter, the results of the survey and basic interview conclusions are presented.

3. Managing Projects at the University - Empirical Analysis (The Case of Croatia)

The Juraj Dobrila University of Pula was founded on the 29th of September 2006. It is a young university, but in Pula, the higher education started already in the 1960s. Today, the University should accommodate to the market needs and to the business environment and add value to the whole economy of the Istrian region. University of Pula is a department-type university consisting of five departments: the Department of Economics and Tourism “Dr.Mijo Mirković”, the Department of Humanities, the Department of Music, the Department for Studies in the Italian Language and the Teacher training department. Due to its geographical position and historical heritage, Istrian region is one of the most interesting and important regions in Croatia. It has a distinct cultural diversity. Istrian peninsula is the biggest one on the Adriatic. Istria (as part of Croatia) borders with Italy and Slovenia. Through the history, this part of Croatia was always either dividing or bridging the gap between the West and the East of Europe. Different governments were ruling and left their traces here- from the old Romans, through Byzantine Empire and Serenissima, Napoleon, Austria and Italy. Being the most developed tourism region, its contribution to the Croatian GDP is remarkable. As such, Istrian region is naturally open to international cooperation. Thus, there is a need to create a University which will live up to the society which surrounds it and which will be a centre of excellence in the region. In this way, it could contribute to the achievement of sustainable development of the region.

In order to bright up the status of cooperation between the academic and business environment, a research was conducted. Using questionnaires the situation at the University was scanned. The return rate (questionnaires) was 55%. Personal interviews with responsible managers in the business sector were conducted. The results are presented hereafter.

In the last three year, 33% of respondents were involved in some kind of projects with the business community in the region. When asked whether they are currently involved in any kind of project with the business companies in the region, only 15% of the respondents pointed they were involved. There are two possible reasons for this: (1) the University has still

not been recognized as the partner institution in the business environment, and (2) teachers are either not interested or not motivated to work with the business environment.

Teachers were asked to rank challenges they might be facing whilst communicating with the business sector. A scale was ranging from 1 to 4 according to the priority and importance (1 being the most important reason). The results are presented in the Table 1.

Table 1: Communication challenges: faculty – business environment

CHALLENGES	%	RANK
University not recognized as partner institution	19,27	1
The lack of free time	23,30	2
Insufficient knowing of the real business practice	31,72	4
Hard communication in between academic and business world	25,70	3

Source: Authors' research

The results revealed that teacher noted that the University has not been recognized as a good and reliable partner institution. This leaves an open question – why? Currently, university personnel are rather overloaded with teaching activities and are less involved in research and development. This puts them under alert. The point that one of the respondents noted down that the non-existence of institutional approach (i.e. research centre) makes it harder for the University to become an attractive partner in projects with business companies in the surrounding environment is important to mention.

Teacher should strive to make the most out of their students. Thus, it is of crucial importance to involve students, as much as possible, in the real projects with the business sector. When asked whether they have involved students in any kind of projects with the business community, 22% of them responded positively. Involving students into real life projects is the best way of sharing and implementing knowledge and experience. The lack of this kind of engagement is evident here. Teachers should as much as possible involve students to work on different project with the business environment. This would make their study programmes more attractive. At the end,

student could get the possibility to make contacts with business people, as well as get deeper sense of what business really is.

When asked whether they are teaching with case studies, the majority of them responded positively (89%), meaning that they were enriching their lessons with different cases. This is very good. Basically, not many of the teachers are engaged into different projects. Due to this, they have been probably using different business cases and not those they were personally involved in.

Some most important conclusions from the conducted interviews are presented hereafter.

Interviews were conducted in December 2009, with managing directors of 20 most prominent business companies in the Istrian county (Holcim Hrvatska, Adris Group, Uljanik, Valamar Hotels and Resorts and Rockwool Adriatic) The above mentioned companies were chosen after the complete list of key business companies (key stakeholders) in the Istrian County was received from the Croatian Chamber of Commerce in Pula. They were selected according to the profits gained in the financial year (2008).

These interviews revealed some quite disappointing results. For instance, it is noted that students, after finishing their undergraduate study, have no sense of what business really is. Furthermore, they still do not recognize the University of Pula as a possible partner in projects because of two major reasons: (1) the lack of communication and partnership, (2) they perceive faculty as more focused on teaching issues and with no special interest in real business experiences. This has all been grounded into the fact that there is a lack of communication between the two sectors (business and educational). Hence, they are interested into research issues but with other profit institutions (i.e. Institute "Ivo Pilar" in Zagreb). Exactly this should give an impulse to the University to profound the links with its business environment.

New quality of qualification structure is required for the development of the knowledge-based economy. The academic career of the utmost professors should be based on learning through access to highly competitive research. More efficient and faster learning methods should be used. Faculty should be brought into line with international trends and examples of best practices. To stay relevant to changing social and economic needs, education needs a good knowledge base, drawing on robust research and gathering and using evidence on innovation. (OECD, 2009) Therefore, university staff in Pula, should increase their efforts for research and meet the needs of a

modern university. This requirement is of special importance since University of Pula has launched the first scientific doctoral study (PhD). Meeting the Bologna standards as well as ensuring the quality of teaching and higher education institutions within the Bologna process is another important motif for that.

The establishment of new university parts (i.e. research and development centre), will improve the adaptability of the system and enhance sensibility to the market needs. University should, through research activities contribute to: the creation of knowledge-bases, the development of human capital, knowledge diffusion and use, and knowledge maintenance. In order to promote the development, knowledge would attract a wider business community as well as students.

In order to reach the goals of sustainable and balanced development of the region as competitive sub-region, both nationally and internationally, scientific and developmental cooperation is necessary. These goals have to be based on the credible scientific and professional achievements, especially those resulting from a successful functioning of the scientific and research community represented by the university. They should all be aware of the importance of cooperation between the scientific and research community as well as the regional and local business environment.

University should be sensible to the market needs, educate future leaders able to compete at the international level. The main objective of the model is to establish cooperation between the University and the business environment. Basically, the research and development centre is pre-condition for establishment of economic partnership.

In the next section the possible developmental model is presented. The model proposed has arisen after the scans of the conditions in the higher educational system in Croatia as well as at the University have been made.

4. The Model of Future Development - Research and Development Centre (R&D Centre)

The establishment of a research framework means building up a competitive advantage through distinctive capabilities that a university platform can offer. It is a development of a set of actions that will make the university services more valuable to the students and the wider business

community. It would bridge the gap between the world of theory and the world of application for a greater purpose of general development. Scientific development in Croatia must be focused on achieving excellence, above all by defining and supporting the existing centres of excellence, and creating new ones. Only an internationally recognized and competitive scientific work can be a base for development. (Agency for Science and Higher Education, 2009)

A research and development centre would act as an umbrella, enabling university to generate distinctive knowledge of the highest quality through research and relations with local business. Consequently, it could transfer it to business actors and students through lectures. As a source of knowledge and new ideas, a research and development centre would accelerate the creativity and motivate people to participate in real projects, bringing lessons and examples into lectures and upgrading the theoretical knowledge with practical solutions. This kind of involvement brings several advantages, both to students and professors as well as to the business environment in terms of insights, new acknowledgments and appropriate competencies. Apart from bringing many benefits, this way of learning goes line in line with the proposed measures of the World Bank (2003) which states that “Modernizing Croatia’s educational system requires changing what is taught (curriculum), how it is taught (pedagogy), and the accountability of those at the point of service delivery results.” The research and development centre will serve as a nucleus for research and development projects that ensure an integrated approach to knowledge capacity building with reciprocity in benefits for actors, University and the local environment. In this way, the research and development centre could be seen as the project-oriented company as proposed by Huemann et.al. (2007). Project-oriented company is an organization with a strong project management culture shaping its policy and practices for working, for organizational culture and for strategy towards the challenge presented by managing projects. (Huemann et.al, 2007, p.316) The tight interlink would boost the cooperation and provide a special support in gaining experiences through examples relevant for business sector as new approaches to the teaching methodology. Furthermore, although academic experience is an obvious pre-requisite in managing projects, a degree of industrial – real business experience is also desirable; an awareness of industrial issues and an appreciation of the different pressures and priorities to which companies are subject. A combination of these attributes allow academic progress to be properly served, despite the need to accommodate industrial urgency. (Barnes et.al., 2006, p.399) That is why there is a need to strenghten the link between university and business sector.

Striving to strengthen the role of university in society at large will make a solid base for developing lifelong learning programmes. Student research mobility at PhD level should be an integral part of knowledge path.

In the light of these a service-benefit chain would be created beginning with professors at the University, alongside businesses, through students which will enter in the business world and empower it with new knowledge and skills. This could contribute to the development of local community, sub-regionally and at the national level. Action research approach is here very visible as the researcher (faculty) and client (Business Company) collaborate in the development of and diagnosis for a solution to a problem. This involves designing interventions in social processes and contributes to empirical knowledge from real world situations. (Male, et.al., 2007, p.107)

The establishment of the research and development centre should be split into three phases, as follows:

- 1st Phase: data gathering and deep analysis of the business environment in the region
- 2nd Phase: synthesis of conclusions and establishment of the organisation, structure of processes and methodology
- 3rd Phase: adopting promising practises and development of new knowledge

The first phase should consist of the following activities:

- data gathering of regional business subjects and data assembling into internal business data collection
- round tables on topics that emphasise the relevance of a structured linkage with business community and benefits to the academic world
- workshops on scanning business requirements for potential research projects and activities designed to improve relationships with business stakeholders
- workshops on how to use new methodology for lecture purposes combined with research activities
- workshops to mastery the business case methodology

- creating relevant documents for establishing partnerships with enterprises and research projects and relevant quality monitoring of all activities during the project life

These activities will strengthen University awareness for the need to become more flexible and entrepreneurial. It will also align University with labour market needs on finding appropriate and sustainable means of providing services and continuing education to the sector. There is still some way to go in terms of providing positive benefits to the wider community, especially employers.

The second phase should consist of the following activities:

- establishment of a research and development centres that would be operational around two key objectives: a competency centre and point of reference for business practitioners and creation of the internal network of knowledge circles (to be continued in the third year as well)
- internal round tables on case teaching method for disseminating information and raise awareness
- workshops on building practical solutions and deepening distinctive knowledge
- conference on linking university with the business environment

In this phase the platform for research activities should be formed as a constituent part of the faculty. In order to develop the engagement of knowledge capacity, few economic scientific areas should be organised as “*knowledge circles*”, representing human capital intelligence for research activities and methodology setting.

The third phase should consist of the following activities:

- several round tables for initialisation of constitution of the economic partnership
- preparatory work and creation of new learning development strategy

In the third phase (third year of the project) opportunities for knowledge positioning would be created and economic partnership for strengthening overall sub-regional development enforced.

The main goal would be to empower and foster academic staff to expand the size and capacity of their knowledge, to raise their scientific quality with new methodologies, to support them in establishing links with business community and to broaden the perspective that embraces real business problems. This approach stems from the idea that knowledge plays a central role in the construction of competitiveness and quality, just as the renewal of knowledge is the key to processes of change and development. Outcomes would create a vibrant spiral that would, as a perpetual mobile, raise the benefits for all stakeholders included: Universities as knowledge centres, students as resources and future intrinsic part of the economy itself and enterprises as business community.

5. Conclusion

Most universities in Croatia primarily function as teaching institutions despite research being the key criterion for the promotion of academic staff. Consequently, even when it comes to generating additional revenues, they tend to rely only on educational programs with market potential and do not tend at all to create linkages with the business environment. Therefore universities neglect more ambitious research activities. Such conditions reduce the communication and cooperation opportunities that could generate ideas or research projects. There is little tradition or support for the exchange of personnel between academic institutions and companies. Such exchange could, through stronger social networks, bring both actors closer together

The current conditions at the University of Pula follow the basic conclusions of above mentioned. The faculty is very poorly involved in projects with the business environment. Students even do not have the opportunity to engage in real-business life. The University is still not recognized as a potential partner institution in managing projects. According to faculty's perspective, the most important reasons for a very weak involvement in the real business issues – projects, are the facts that University has still not been recognized as a partner institution and the lack of free time. The point that University has not been recognized as a partner institution was also emphasized by managers from the most prominent business companies in the County. This brings up the question - why and what can be done to change this? The only bright side of the conducted survey was the point that faculty (according to the questionnaires) enriches their teaching methods with different cases. But, being involved in real project could improve the quality of the cases used in their lessons, because

of the special business feeling achieved whilst managing some real project. According to the above mentioned, there is a need to change the usual way of functioning of the University of Pula. The model proposes the establishment of research and development centre which would empower and foster faculty to expand the size and capacity of their knowledge, to raise their scientific quality with new methodologies, to support them in establishing links with business community and to broader the perspective that embraces real business problems. This approach stems to form the idea that knowledge plays a central role in the construction of competitiveness and quality, just as the renewal of knowledge is the key to processes of change and development.

It is needed to realize stronger links to the business sector and labour market that would help University to find appropriate and sustainable means of providing services. The tight interlink between business and academic world would provide a special support in gaining experiences through examples relevant for business sector, as well as new approaches to the teaching methodology.

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Parallel system' in Kosovo: strengthening ethnic identity through solidarity and common social action

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Abstract

The aim of this paper is to argue that ethnic and national solidarity expressed among Albanians in Kosovo in the 1990s, which was created as a result of the social and political action, had a significant impact on political mobilization and reinforcement of national identity among Kosovar Albanians. This movement and common social action it undertook did reinforce the sense of belonging and ethnic identification among Albanians. Further, it argues that solidarity, despite the fact that is created with the aim of providing disadvantaged groups with a resource for collective action and group self-protection, it may lead to ethnic or national 'unmixing', alienation and hostility. Apart from the issue of solidarity, this paper analyzes the Kosovar 'parallel system' from the point of view of social movements and networks as well as its relations with identity and political change it aims.

Abstrakt

Ky punim ka për qëllim të dëshmojë se solidariteti etnikë dhe kombëtarë i shqiptarëve të Kosovës i shprehur në vitet e '90-ta, që ishte si rezultat i veprimit shoqërorë e politikë, ka një ndikim të fuqishëm në mobilizimin politikë dhe forcimin e identitetit kombëtarë të tyre.

Kjo lëvizje dhe veprimi i përbashkët shoqëror, që u ndërmor e ka fuqizuar ndjenjën e përkatësisë dhe identifikimit etnik ndërmjet shqiptarëve. Më tutje, në këtë punim provohet se përkundër faktit se solidariteti është krijuar të sigurojë resurse për veprim kolektiv dhe vetëmbrojtje të grupeve të pa

favorizuara mund të çojë deri në “pastrim” etnik, tjetërsim dhe armiqësi. Përkrah solidaritetit, në këtë punim është analizuar edhe “sistemi paralel” kosovarë, nga këndvështrimi i lëvizjeve shoqërore, punës në rrjet si dhe marrëdhëniet me identitetin dhe ndryshimet politike kah të cilat aspiron kjo shoqëri.

Апстракт

Целта на овој труд е да се докаже дека етничката и национална солидарност изразена меѓу Албанците во Косово во 1990ите, која беше резултат на општественото и политичко делување има силно влијание врз политичката мобилизација и зајакнувањето на националниот идентитет меѓу Косовските Албанци. Ова движење и заедничкото општествено делување ко е то а го преде го зајакна чувство то на припаѓање и етничка идентификација меѓу Албанците. Понатака се докажува дека солидарноста и покрај тоа што е создадена да обезбеди ресурси за колективно делување и самозаштита на обесправените групи, може да води до етничко и национално „чистење“, отуѓување и непријателство. Покрај солидарноста, во овој труд се анализирани и косовските „паралелни системи“ од гледна точка на општествени движења и мрежни работења како и односите со идентитетот и политичките промени кон кои се стреми.

Introduction

Following the abolition of the autonomy of Kosovo in March 1989 and the subsequent degradation of the position of Albanians, a new ‘parallel system’ emerged among Kosovar Albanians shortly after. Underground ‘state institutions’, a separate system of education where children were taught only in Albanian, a network of information, as well as a network of health centers were established and were functioning independent from the Serbian state. The Democratic League of Kosovo (LDK), which was established in December 1989, played a crucial role in the creation and organization of the parallel institutions in Kosovo. Other smaller parties, NGOs, initiatives and networks joined efforts with the LDK in maintaining parallel Albanian social and political structures throughout the 1990s. So, what started as a social and political movement against Serbia’s measures to gain full control over Kosovo by getting rid of its autonomous status and its

institutions, slowly became a society within a society, or, as it is commonly referred, a 'parallel system'. This system functioned almost one decade and was financially maintained with the money collected among Albanian considerable diasporas in Western Europe and, above all, through an unprecedented expression of social and political solidarity among the Albanian population in Kosovo and through the use of various social networks.

The issue of the role of solidarity and social action in the creation or strengthening of the identity and a sense of belonging, however, is very much present in the academic debates of today. In one of these debates, Craig Calhoun (2003a, 2003b) was arguing (against Rogers Brubaker (2003)) that social relations and solidarities that they produce are immensely influential in (re)creation of identities. Solidarity, Calhoun (2003) argues, "is socially produced, shaped by material factors, culturally organized and yet also open to human action" (p. 549). In other words, solidarity is not independent, but largely dependent on other social, cultural and political factors and shaped by concrete social and political action. This way, solidarity is created and reinforced by concrete human action for various purposes and end, including political purposes.

Thus, the aim of this paper is to examine the applicability of Calhoun's concept of solidarity, as an expression of ethnic identity in the case of the 'parallel system' that was built in Kosovo in the 1990s. My aim is to argue that ethnic and national solidarity expressed among Albanians in Kosovo in the 1990s, which was created as a result of the social and political action, had a significant impact on political mobilization and reinforcement of national identity among Kosovar Albanians. This movement and common social action it undertook did reinforce the sense of belonging and ethnic identification among Albanians. I will argue that solidarity, despite the fact that is created with the aim of providing disadvantaged groups with a resource for collective action and group self-protection, it may lead to ethnic or national "unmixing" (Brubaker as cited in Duijzings, 2000, p.37) alienation and hostility. Apart from the issue of solidarity, I will analyze the Kosovar 'parallel system' from the point of view of social movements and networks as well as its relations with identity and political change it aims to achieve.

I will use comparative and analytical approaches while examining certain aspects of the political and social movement in Kosovo in the 1990s as well as causes and effects of group solidarity. In doing so, I will use mainly Calhoun's theoretical approach with regard to solidarity, Tajfel's 'social

mobility' approach and Charls Tilly's concept of 'contentious politics' and political change.

1 Identity and political change

Identity, be it a means of self-identification of a person and people, or as a sociological concept representing "a link between the individual and a specific category or group of people" (Duijzings, 2000, p.18) is very much connected and determined by political action. Certain political changes, in a macro or micro level, are very likely to influence identities and even lead to identity shifts. Therefore, identity should be understood as a fluid concept and dependent variable, subject to external influence and transformation. However, for the purposes of this study, I will focus on social and political movements and their impact on identity and the use of micro or macro social networks as source of political mobilization.

Movements and social action

Social and political movements aim at bringing about political and social change. Movements, according to Heberle (as cited in Tajfel, 1981), "denote a wide variety of collective attempts to bring about a change in certain social institutions or to create an entirely new order" (p. 244). Mostly they represent articulation of popular discontent about the present. By invoking social action, they challenge authorities in the names of populations or groups that are otherwise not represented (Tilly, 2002, p. 53). Charles Tilly (2002, p. 54) argues that movements involve three different actions: 1) identification of the group and demanding recognition for it; 2) organizing of a set of public performances (meetings, demonstrations etc.), and; 3) suppressing all signs of division by forging unity and solidarity. Out of all these elements that characterize movements, I will focus on solidarity issue and, especially its role in strengthening group identities.

Solidarity as an expression of identity

Craig Calhoun (2007) argues that "no one lives outside particular solidarities" (p. 25). Hence, people display different kinds of solidarities in

different contexts. In cases of movements and social action, solidarity is a pivotal element in creating the necessary homogeneity and group interaction in order to produce the desired collective action. Movements take place as “conversation” (Tilly, 2002, p. 88); hence, solidarities are product of these in-group interactions. What kind of solidarity will be created, it depends largely from the context and nature of the movement. If a movement is established to fight an ethnic or national battle, most probably the solidarities they will create will be ethnic or national in character. Ethnic or national solidarities may be created not only with the purpose of engaging groups in conflicts as a matter of the exclusion by the powerful, but, as well, they may serve as a resource for collective action and reciprocal support among the less powerful and disadvantaged groups (Calhoun, 2003s, p. 545). It is another issue then if this kind of in-group solidarity may be source for out-group hatred.

As argued throughout this section, solidarities are crucial element of a social and political movement. They are produced partly as a result of the interaction within the movement or collectivity, and partly by political and social elites. In either case, solidarities have an immense impact on identities of the groups and may strengthen identity boundaries. The upcoming section will shed light on the Kosovar socio-political movement of the 1990s and the sense of solidarity it fostered among Kosovar Albanians in a moment of political disempowerment, and the role of solidarity in achieving a higher level of political mobilization and expressing a stronger ethnic and national identity.

2 The ‘parallel system’ in Kosovo: from social and political mobility to sociopolitical movement

The abolition of Kosovo’s autonomy on 23 March 1989 and the subsequent measures taken by the Serbian state - adoption by Serbian parliament of a set of laws and regulations under the title “Program for the Realization of Peace and Prosperity in Kosovo”, which resulted in dismissal of many thousands of Albanians that were state employees (around 80,000), suppression of the Albanian media, and sacking of Albanian school teachers (Malcolm, 1998, p. 345-346) - mobilized Kosovar Albanians and provoked massive protests all around the country. Protests included students, workers (among all, miners) and other categories of population and the response of the Serbian state was as harsh as to lead to arrestment of thousands of people and even killing of some of them (Ibid.) This full-scale social and political

mobilization soon left to the erection of a large political and social movement that was later called ‘parallel society’ or “phantom state” (Judah, 2000, p. 61). And, quite unusually for the time period and the historical context, the new political elites which were emerging together with the movement adopted nonviolence as its political strategy in response to the growing state violence. According to Howard Clark (2006), the Kosovar movement had four aims: the survival of the Albanian society in Kosovo, contesting the legitimacy of Serbian state institutions and counter imposing the legitimacy of Kosovar Albanian institutions, commitment to civil resistance and, finally, mobilization of international support (p. 86).

In terms of the aims of a movement as defined by Toch (as cited in Tajfel, 1981, p. 244), the Kosovar Albanian sociopolitical movement made a shift from the aim of *resisting change* (attempts to resist abolishing of autonomy and other key institutions in the late 1980s) to the aim of *promoting change* (political movement for independence). As Clark (2000) put it, “the defence of autonomy had grown into a movement for independence from Serbia” (p. 2). Undoubtedly, social solidarity of Albanians was the cornerstone of the Kosovar Albanian movement and the ‘parallel system’. In a word,

“What was emerging was a set of methods and organizational structures to identify violence with the Serbian oppressor while retraining counter-violence from the population, to strengthen social solidarity while emboldening the population to use the limited space available to communicate their defiance.” (p. 59).

Nevertheless, the movement within itself had two different, though ultimately related, dimensions: political one, embodied in the so-called “Institutions of the Republic of Kosova” and the social dimension – education system and health care network. Both these dimensions were extensively dependant on pre-existing and newly established social and familial networks. Regarding the former, after the abolition of the autonomy of Kosovo, deputies of the Kosovar Parliament on 2 July adopted a resolution declaring Kosovo a Republic within the Socialist Federal Republic of Yugoslavia (SFRY) and then one year later, on 22 September 1991, as an ‘Independent and Sovereign’ state. Later that year a referendum was held and a government established, both unrecognized by Serbia and international community (with the exception of the state of Albania). In Tim Judah’s (2000) words, “Kosovo’s independence was, of course, a state of virtual reality” (65-72). When it comes to the family networks, Howard

Clark (2000) argues that “patriarchal familial relations remain the basis of Kosovo’s social solidarity” (34). However, for the purposes of this study, I will focus only on the later dimension.

Main pillars of the system

Education and health care networks were the two main pillar of the Kosovar ‘parallel system’ in the 1990s. They came to substitute autonomous education and health institutions of Kosovo that were shot down shortly after the abolition of Kosovo’s autonomy in 1989, and, which latter were reopened, but this time, barred for Albanians. Both these systems were maintained primarily with the money collected by Kosovar Government in exile (settled in Bon) among considerable Albanian diaspora in Germany, Switzerland, Scandinavian countries as well as inside Kosovo, known as the ‘3 per cent fund.’ Very often, teachers and doctors working in these underground institutions worked without any material compensation, thus sacrificing their personal well-being and interests for a greater collective cause of the Albanian population in Kosovo.

On the other side, the health care system functioned mainly in the form of a humanitarian society, called ‘Mother Teresa Association’. By 1991 the Mother Teresa Association managed to establish a quite large network of health clinics that mostly offered free services for Albanians, and later when the official state system was in array, it would serve other communities too, including Serbs (Clark, 2006, p. 87). According to a report by International Crisis Group published in 1999 (as cited in Judah, 2000), ‘parallel’ health system in Kosovo had 239 general practitioners, 140 specialists and 423 nurses who were volunteering in 86 clinics who were set up in private houses (p. 73). Apart from the medical services, this network was supplying food, medicine and hygienic materials to some 350,000 people. LDK officials were crucial in this context collecting and later distributing the so called ‘solidarity fund’ or launching food and other necessary goods schemes. This way, with the participation of large parts of populations in various actions showing a spirit of solidarity, a relatively huge and strong Albanian ‘net of social security’ was created in Kosovo.

Education system

In August 1990, as a reaction to the Serbian Parliament's introduction of a new curriculum in schools which severely curtailed teaching of Albanian language, history, literature and art and expanded instruction of Serbian history and literature, Albanian teachers and students refused to accept the new curriculum, thus setting up bases for the erection of a parallel education system operating out of homes of ordinary citizens (Ramet, 2006, p. 510). Since 1991, the 'parallel' education system was growing rapidly. From something that started as an temporary improvisation due to the suspension of the normal operation of secondary schools and university by the Serbian state, in 1995 alone, it encompassed 5.291 pre-school pupils, about 312, 000 elementary school pupils, 65 secondary schools with 56,920 pupils, two special schools for handicapped children, as well as 20 faculties and collages, including 12,200 students, together with around 20,000 teachers, lectures, professors and administrative staff (Maliqi, 1998, p. 114). Though most of the staff was paid with the funds of the government in exile, many teachers, professors, and other academic and non-academic staff worked for months without remuneration. Likewise, many services and facilities were offered free of charge. It is estimated that only in 1994 Albanians have provided free of charge 204 facilities (private houses, store rooms, garages) with the total of 533 rooms only for the secondary education (Ibid.).

In words of Denisa Kostovičová (2001), the 'parallel' system of education became simultaneously a "metaphor of prison and freedom for Kosovo Albanians" (p. 11). Physically, Albanian students were imprisoned in those tiny objects, but on the other side, they could study using Albanian curricula, something that they considered crucial in reinforcing their national identity and reinforcing opposition to Serbs. In an atmosphere of high ethnic tensions, as the one that dominated in Kosovo in the 1980s and 1990s education was politicized too: for Albanians, 'parallel' education system was a crucial element in the process of maintaining and strengthening of their separate national identity, whereas Serbs saw it as something "synonymous with Albanian secessionism and irredentism" (p. 12). These years witnessed a great desire of the majority of Kosovar Albanians to show social solidarity and to participate in maintaining the Albanian community structures, which in turn transformed into a civil resistance (Clark, 2000, p. 95).

As both communities – Serbs and Albanians in Kosovo – participated in separate structures, inside they became politically and ethnically more united and homogenous. This led to a further separation and segregation. For

example, segregation in schools (ethnic shifting), which started as a result of the demands put forward by Kosovar Serbs for physical separation from Albanians due to the insecurity they felt in Albanian dominated schools (Kostovičová, 2001, p. 13) had a tremendous negative effect in the years to come as it strengthened inter-group interaction at the detriment of intra-group one and brought about some kind of civic and social empowerment among Kosovar Albanians.

The next section will analyze in more detail the effects of this social and political mobilization in creating solidarity and the role of solidarity feelings in strengthening national identity among Albanians, as expression of opposition to Serbian state.

3 Solidarity effects

Since solidarity is not an independent phenomenon, it can be viewed as well in the context of intergroup behavior. In Tajfel's (1981) conception, intergroup behavior has two major determining features: shared in-group affiliation of individuals (membership) and a shared interpretation of the relations between the in-group and out-group (p. 243). This way, I consider that the in-group interaction that was present during the social and political mobilizations of Albanians in Kosovo in the late 1980s and early 1990s produced high level of in-group solidarity. In return, these high levels of solidarity had a direct effect in at least two aspects: it caused homogenization and strengthening of group (national) identity among Albanians and, over the time, it somehow increased feelings of ethnic hatred and, to some extent, "revenge" (Maliqi as cited in Judah, 2000, p. 63).

Homogenization and strengthening of group identity

Homogenization that was happening in Kosovo in 1990s, as explained by Tajfel's concept of 'social change' was made possible due to the fact that individuals realized that they can not move on their own to change the present disfavoring political and social situation but they need to act together with the group as a whole. However, in order for the homogenization to be as complete as possible, certain political actions were taken in the context of elimination of inter-group differences. One of them was the "Action for Reconciliation" and elimination of the phenomenon of blood feuds. This

campaign that was led by Anton Çetta, in the period 1990-1992, succeeded in resolving more than 2,000 feuds, half of them involving death (Clark, 2006, p. 86), thus moving a quite big barrier toward national and ethnic homogenization of Albanians in Kosovo. Apart from blood feuds, Ger Duijzings (2000, p. 126) has emphasized also the role of religious leaders settling disputes, pacifying and integrating rural society. Another important action of social mobilization through various social networks was the campaign for immunization of children against polio, where more than 400,000 children were vaccinated in a coordinated campaign which involved Mother Teresa Association, Catholic Churches, Mosques, teachers etc. In all these actions, further integration and preservation of the Albanian society in Kosovo was the aim.

In the terms of national identity strengthening, this movement and the solidarity it incited were crucial in that they brought into use a curricula with an almost exclusively national (and nationalist as well) content, something which was strictly forbidden before 1989. Like many other struggling people, Albanians in Kosovo used the parallel system to ‘inculcate a collective ethos’ with schools “aimed more to strengthen national consciousness than to open minds” (Clark, 2000, p. 104). Moreover, strengthening of Albanian national identity and the eventual prejudices and hatred it eventually produced toward the ‘other’ was done according to the model of the ‘group position’, as proposed by Herbert Blummer in 1958 (as cited in Bobo, 1999, p. 448). So, what were individual relations between two schoolmates or colleagues some years ago, in the 1990s they became relations between Albanians and Serbs, as two different and even opposing groups.

In the meantime, by forging homogeneity, relevant political actors contributed to the strengthening of identities through a process that seeks to eradicate elements of mixture and multiple identities. This way, there was a strong pressure for clear-cut identities. The homogenization process, which aimed at perpetuating elimination of linguistic and regional differences as well as religious conversions, did not affect Albanians alone; it also affected those groups, which were seen as ‘religious and ethnic anomalies’, such as Turkish people, Gorans (Slavic Muslims), Roma, Turkophone Albanians (Prizren), Slavophone Albanians (Rahovec) (Duijzings, 2000, p. 24). There was a strong pressure on them to pertain within the main stream.

Homogenization meant political unity as well. The period from 1989 until 1998 in Kosovo was politically dominated by the Democratic League of Kosova LDK (a party-movement that recruited hundreds of thousands of Albanians). This is illustrated by the fact that LDK had created such a solid

national consensus that no one outside its leadership could “influence when to bend and when to be firm” (Clark, 2000, p. 168). Though there was a formal plural political scene, the ultimate need for national unity favored one party domination.

From civil resistance to armed resistance

Physiological effects, such as dignity, and the sense of resistance played an important role among Albanians in the first year of the Kosovar sociopolitical movement. They provided the necessary incentives for people to support the ‘parallel system’ they were building. However, as soon as the prospects for fast and desired social and political changes were diminishing after 1995, the popular support for the movement started to decline. The educational system started to be seen as improvisation and not attractive – by 1996 the number of elementary school children declined by 11.9 per cent, that of secondary school children by 21.44 per cent and university students by 27 per cent (Kostovičová, 2001, p. 18) - and people started realizing that the peaceful resistance organized around the ‘parallel’ system was leading nowhere. According to a foreign analyst, Albanian ‘parallel’ education system “at first gave people dignity, and latter it became a cause of self-destruction” (p. 17).

Though in its initial period the ‘parallel’ education system became, in words of Shkëlzen Maliqi (as cited in Kostovičová, 2001) “life school of resistance” (p. 15) and the focus of the Albanian peaceful resistance against Serbia, later when high expectations were not met, the whole system was discredited as many people were opting for an active armed resistance. The armed resistance and inter ethnic conflict in Kosovo became more likely because they could be supported by the already strengthened national identities and in-group solidarities. Hence, a major shift occurred; instead of a peaceful resistance, people started to overtly support an armed insurgency for the very simple reason that life became unbearable under the Serbian regime. Nonetheless, this does not mean that the sole factor for the escalation of the conflict in Kosovo in 1998 is the disillusionment of Kosovar Albanians with the nonviolent policy. Overall political and economic developments that happened after the dissolution of the Socialist Federal Republic of Yugoslavia and especially developments inside Serbia were major factors that led to the war in Kosovo. Thus, a war, which was fought mainly on ethnic and national lines, started. In terms of the inter-group competition, Albanians and Serbs were not competing for more rights

or for recognition – they were competing for control over the territory of Kosovo and mutual exclusion. This happened despite the fact that “social empowerment [achieved through actions of social solidarity] is not about domination or ‘power-over’, but rather about the power to-be and the power to-do (Clark, 2000, p. 131). Indeed, as Clark (2000) put it, Kosovar Albanians played the same game as the other nations (stronger and weaker) of Yugoslavia, “building up their own sense of nationhood and righteousness while in fact excluding the point of view of the Other” (p. 194). After-war developments in Kosovo prove this very well.

In the after-war Kosovo, both Kosovar Albanian leaders and international politicians were unable to “defuse the anger [among Kosovar Albanians] which has been built up over more than a decade of repression by Milošević’s regime” (Ramet, 2006, p. 542). Consequently, most of the Serbs in Kosovo became victims of a spontaneous campaign of verbal harassment and even physical attacks against them. In many aspects, this was a ‘role reversal’ situation with Kosovar Serbs being the vulnerable group. In addition, hopes of international community to achieve a multiethnic Kosovo where different ethnic groups would treat each other with respect and dignity seemed quite unrealistic in the face of post war inter-ethnic division. The long period of ethnic mobilization in Kosovo (see Murati, Ahmeti, Kllokoqi & Konjufca, 2007) and mutual exclusion and, above all, the military conflict of 1998-1999, further strengthened the feeling of in-group belonging and group identity, with the different social and political networks serving as basis for maintaining of the group solidarity.

Conclusion

This paper has shown that even though ethnic and national solidarities are crucial element in the battle for survival of endangered groups for as they provide “networks of mutual support, capacities for communication, frameworks for meaning” (Calhoun, 2003a, p. 537), by strengthening ethnic and national identities, they may lead to inter-group competition, opposition, exclusion of the other and, finally, conflict. As discussed throughout this paper, the sociopolitical movement of Kosovar Albanians in the 1990s played a significant role in strengthening national identity of Albanians as well as in promoting social solidarity, thus creating a necessary condition for the escalation of the conflict. This does not mean that I argue that the final result of the non-violent movement of Kosovar Albanians in 1990s was violence. Rather, by promoting and cherishing social solidarity, then using of

the pre-existed or newly created social, political and familial networks to follow their political agenda, leaders of the Kosovar Albanian movement of the 1990s have contributed to the emergence of a war-like and explosive situation which was later triggered by the Serbian police and army.

Solidarity and identity be it ethnic or national, are not exclusive per se. As illustrated in this paper, they may be crucial in providing a resource for effective collective action and support among disadvantaged groups. However, one should not undermine the role of the context in which these identities and solidarities may be formed or reframed for it is exactly the socio-political context that impacts the nature of identities and solidarities, especially with regard to inter-group relations. As Calhoun (2003a, p. 547) put it, solidarity and identity may both be basis for political action, and be remade (recurrently) by political efforts. Indeed, the overall political action of Kosovar Albanians, including the parallel institutions was based exclusively on the strong social solidarity and sense of common identity.

Finally, it can be concluded that ethnic and national solidarity played a pivotal role in providing basis for political action which was articulated in the Kosovar Albanian sociopolitical movement, which first aimed at resisting the change (abolition of the autonomy of Kosovo and degradation of the position of Albanians) and later it aimed at changing the disfavoring situation (political movement for independence). Likewise, these solidarities and identities were reshaped and reinforced by political action; as a result, from a resource of group action aimed at preservation of identity and political and social wellbeing, identities and solidarities were gradually transformed into something that is defined exclusively in opposition to the other. In this case, Serbs were the other. So, under such complex circumstances, chances for an inter ethnic conflict increased significantly.

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The Influence of Mother Tongue in Foreign Language Writing

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Abstract

This research investigates the influence of mother tongue (L1) in foreign language (FL) writing. The purpose of this study was to test two research questions: (1) what are students' attitudes toward the involvement of L1 writing strategies in FL writing; (2) Do students transfer L1 writing strategies to English writing positively or negatively? Why? This paper presents quantitative and qualitative research conducted with instruments such as: a questionnaire, four experiments and five writing strategies checklists. This research has to do only with students whose mother tongue is Albanian. The participants engaged in this research were 26 students coming from different departments of SEE University-Tetovo, Macedonia, who ranged in age from 18-25, and attended intermediate basic skills English at the Language Center and Academic Writing in Albanian, at SEEU as well. The participants involved in this study composed different genres of paragraphs in their L1 and FL. The findings suggest that students' attitudes toward the involvement of their L1 in FL writing were mostly negative. When asked to work on special tasks involving translation, these tasks were not preferred by these students compared to the direct mode. However, when writing directly in English, they often unconsciously reverted to (or were thinking in) Albanian. Thus making space for substratum transfer, which was both positive and negative.

Abstrakt

Ky hulumtim heton ndikimin e gjuhës amtare në të shkruarit e gjuhës së huaj. Qëllimi i këtij hulumtimi ishte t'u pergjigjet dy pyetjeve kërkimore: (1) Cilat janë qëndrimet e nxënësve ndaj përfshirjes së strategjive të të

shkruarit te gjuhës amtare ne te shkruarit e gjuhës së huaj?; (2) A i transferojnë studentët strategjitë e të shkruarit te gjuhës amtare ne te shkruarit e gjuhës së huaj? Pse? Ky punim paraqet hulumtim sasijor dhe cilësor i kryer me instrumente të tilla siç janë: një pyetësor, katër eksperimente dhe pesë lista kontrolluese të strategjive të të shkruarit. Ky hulumtim ka të bëjë vetëm me nxënësit, gjuha amtare e të cilëve është gjuha shqipe. Pjesëmarrësit në këtë hulumtim janë 26 studentë që vijnë nga departamente të ndryshme të UEJL-Tetovë, Maqedoni, të moshës 18-25 vjeç. Këta student e ndjeknin nivelin e katërt te gjuhës angleze në Qendrën e gjuhëve si dhe ndjeknin Shkrim akademik në gjuhën shqipe, në UEJL. Pjesëmarrësit e përfshirë në këtë studim përpiluan zhanre të dryshme të paragrafëve në gjuhën amtare dhe ne gjuhë te huaj. Rezultatet tregojnë se qëndrimet e nxënësve ndaj përfshirjes së gjuhës amtare gjatë të shkruarit në gjuhë te huaj ishin kryesisht negative. Kur nga ata u kërkua të angazhohen në detyra të posaçme të përkthimit, të njejtat detyra nuk ishin të preferuar nga këto studentë në krahasim me mënyrën e drejtpërdrejtë. Megjithatë, kur shkruanin drejtpërdrejt në gjuhën angleze, ata shpesh riktheheshin në mënyrë të pavetedijshme (apo mendonin) në gjuhën shqipe duke bërë hapësirë për transfer pozitiv dhe negativ.

Апстракт

Ова истражување се фокусира на влијанието на мајчиниот јазик (означен како L1) на процесот на пишување на странски јазик (означен со FL). Целта на оваа студија е да истражи 2 прашања:(1)кои се ставовите на студентите за влијанието на стратегиите на пишување на мајчин јазик, (2) Дали студентите ги пренесуваат стратегиите на пишување на мајчин јазик во пишувањето на англиски јазик на позитивен или негативен начин и зошто. Оваа статија го презентира квантитативното и квалитативното истражување спроведено со инструменти како прашалник, четири експерименти и пет листи на стратегии на пишување. Истражувањето се фокусира на студентите чиј мајчин јазик е албанскиот. Учесниците во ова истражување се 26 студенти кои студираат на различни факултети на ЈИЕ Универзитетот во Тетово, Македонија, чија возраст се движи од 18-25 год. и кои посетуваа средно ниво на англиски јазик во Јазичниот Центар и Академско Пишување на албански јазик во ЈИЕ Универзитетот. Учесниците пишуваа различни видови на параграфи на мајчин јазик и странски јазик. Резултатите покажуваат дека ставовите на студентите кон влијанието на мајчиниот јазик на пишување на странски јазик се

претежно негативни. Кога од нив беше побарано да работат на задачи кои вклучуваа и превод, студентите предпочитаа да работат на задачи кои инволвираа директно пишување на странски јазик. Сепак, при пишувањето на англиски јазик, овие студенти несвесно се навраќаат или размислуваат на албански јазик, со што постои место за позитивен и негативен трансфер.

Introduction

This research investigated the issue of nonnative writers making an effort to think directly in the foreign language (FL) while writing. The issue was whether, contrary to the common-sense insight given by numerous language teachers and students, the mother tongue (L1) has influence upon FL writing. This research briefly reviewed the literature on writing strategies in L1, L2 (second- language), and FL as it related to the issue of language transfer and then presented a study, which explored the writing strategies in Albanian and English and the transfer that occurs. Also, the term “L2” was not perceived distinct from “FL” throughout the literature review. As it is noted:

... the term ESL (English as a Second Language) will be used even in cases in which EFL (English as a Foreign Language) might be more appropriate. While such a terminological distinction can be crucial for those developing syllabi or preparing pedagogical materials, the distinction is less important for researches studying cross-linguistic influence (Odlin, 1989:5).

In this study the writing strategies in L1, L2 and FL refer to: planning the organization of the paragraph; paying attention to the connecting words chosen to link ideas together; the attempt to use a wide variety of vocabulary; thinking in English; thinking in L2; purposeful usage of complex grammatical structures; purposeful connection of shorter sentences into longer, complex sentences; checking for subject-verb agreement in the paragraph; making sure that the negative forms are used properly; checking for adjective agreement in gender and number.

The problem addressed in this study is important, because many researchers have compared L1 and FL writing (e.g., Cohen 2000; Uzawa & Cumming, 1989; Uzawa, 1996; Kobayashi & Rinnert, 1992; Brooks, 1996; Neff & Prieto, 1994) and have found that there were similarities among the strategies used for the two processes.

FL studies point to a transfer in terms of writing strategies from L1 to FL writing, predominantly for development and modification strategies. However, there were not any studies found that describe the influence of Albanian (as a mother tongue) in English (as a foreign language) writing strategies and the language transfer of Albanian into English.

The theoretical and practical importance of this paper is that it provided insights regarding students' educational background in terms of writing strategies in L1 (Albanian) and FL (English) strategies that students use. It was designed to investigate the relationship between first and foreign language writing strategies and the language transfer from L1 into FL writing.

Literature Review

Studies Considering L1, L2 and FL Writing as Similar Processes, and Detecting Positive Transfer Emerging from the Correlation amongst these Processes.

A good number of studies where the focus has been on comparing L1 and L2 writing have suggested that there are similarities amongst the strategies used for both of the languages. Studies of both ESL and FL, point to a transfer in terms of writing strategies from L1 to L2 writing, predominantly for development and modification strategies.

Along with studies contrasting L1 and L2 strategies, there have been studies that have examined situations where students slip back to the L1 in order to think about the writing task that they are required to produce. In one of the early and frequently cited studies regarding the transfer of writing strategies, it was found that six adults (Spanish-speakers) in an ESL course used identical writing strategies in their L1 and in their target language (Jones & Tetroe, 1987).

In alignment with the findings of these earlier studies, Uzawa (1996) claimed that the lower proficiency students profited chiefly from the tasks that included translation. These students were obliged to use terminology and lexis ahead of their levels when they translated. Additionally, the frequent consideration of the language to be used throughout the process of translation appears to have prompted the students to be more accurate while

writing. However, this translation approach can represent a learning experience according to the researcher of this study.

Studies of the ESL composing process have largely noted the similarities between composing in L1 and L2 (Jones 1983, Lay 1988, 1983, Zamel 1982, 1983, Tetroe and Jones 1983). Lay, for example, found that her five Chinese subjects “used many of the strategies used by native language students in composing” (1983:19).

In another study (Kobayashi & Rinnert, 1992) the researchers requested a retrospective self-report from the students as to "how much Japanese they believed they were using in their minds while they were writing directly in English." They claim that at least for students at a lower proficiency level a translation strategy in writing might be beneficial.

Cumming (1989) classified the learners into three ranks of writing proficiency and two ranks of ESL expertise. The findings of the study showed that the proficient writers involved in the study used their L1 strategies during the process of L2 writing. However, the inexperienced or inexpert writers were shown to have difficulties in numerous areas interrelated to development and consistency while writing in their L2. The researcher recommended that L1 writing proficiency and L2 expertise merged in order to influence L2 writing performance.

Studies Considering L1, L2 and FL Writing as Different Processes, and Detecting Negative Transfer Emerging from the Correlation amongst these Processes

Researchers such as, Suzane Carrington and Congjun Mu (2007), point out that the L2 writing process is different from first language (L1) writing process in terms of strategy, rhetoric, and linguistics. Moreover, they claim that rhetorical strategies (organization of paragraphs) transfer across languages positively.

Another important study is the one by Tony Silva (1993) in “Toward an Understanding of the Distinct Nature of L2 Writing: The ESL Research and Its Implications”. This study indicated a number of significant distinctions between L1 and L2 writing considering both the composing process and characteristics of written texts. Results indicate that, in general, composing in a second language is “more constrained, and less effective” and that texts

are “less fluent (fewer words), less accurate (more errors), and less effective (lower holistic scores)” (200). Silva makes an important point for writing center specialists: Second language writers may need more time for everything, including more time spent in planning, revising, and editing.

Within another small-scale study, the writing processes in Japanese and English of four intermediate learners of Japanese as a foreign language were compared (Uzawa and Cumming, 1989). Students were required to write an essay in their L1 and another one in English, but these two essays were not supposed to be translation equivalents. Correspondingly, all students reported that generally they had used the L1 (English) expansively for gathering and producing ideas, searching for topics, developing conceptions and arranging information. When these writers tried to produce writing in the FL, they reported limiting the amount of the information in the essay. Moreover, it led to the simplification of the syntax and the vocabulary, and the neglect of audience’s questions. The authors suggested that having students in a situation where they attempt to think through the FL at this stage could actually result in weaker writing.

One of the ultimate studies in the type of L1 preparation is concerned with responses to two letters by 28 Chinese-speaking ESL students, whereby their responses were designed in either Chinese or English and then written in English (Friedlander, 1990). The analysis showed that in cases when writers planned in Chinese while writing about a Chinese cultural topic and planned in English on an English cultural topic, their plans and texts were rated extensively better than when they completed the activity in reverse. Moreover, writers produced longer procedures and compositions when there was a language and culture equivalent or match. Being permitted to do the planning stage plan in the L1 raised the amount and type of ideas the students could gather and produce for issues that writers had dealt with first and foremost or exclusively in their L1.

An effort at replicating the Kobayashi and Rinnert study with Arab learners of English as a second language (Ali, 1996) produced results that favored direct writing in English rather than translation from Arabic. On the basis of holistic ratings of writing ability, direct writing in English as a second language was rated higher than writing translated from the L1, Arabic. So, for this configuration of students in this given context, direct writing in English was rated more positively.

Within the translation approach to writing in the target language, previous studies have proposed that syntactic complexity (e.g., clause diversity) and

cohesion (e.g., through markers of transition) would be improved (Ali, 1996).

Present Study

The present study was conducted during the fall/winter semester 2007/08. It presents quantitative and qualitative research in the field of foreign writing influenced by the mother tongue. The aim of this research was to examine the relationship between first and foreign language writing strategies and the language transfer from L1 to FL writing. Its purpose was to explore, understand, examine, confirm and clarify this process of foreign language writing. Additionally, language transfer was examined in terms of being a positive or a negative one.

Research questions

This study investigated the following research questions:

1. What are students' attitudes toward the involvement of L1 writing strategies in FL writing?
2. Do students transfer L1 writing strategies to English writing positively or negatively? Why?

The participants

The number of the participants involved in this study was 26. These students came from different departments of SEE University-Tetovo, Macedonia. The participants ranged in age from 18-25, and all of them attended intermediate basic skills English at the Language Center at SEEU and Academic Writing in Albanian, as well. The rationale behind the selection of these 26 students was based on students' writing skills in English and Albanian. The same students had previous knowledge of descriptive, narrative, and persuasive writing in both languages since these genres of writing were included in both Academic Writing in Albanian and

English intermediate classes. Every experiment, checklist and questionnaire conducted, involving these 26 students, was carried out within one semester on the campus of SEEU.

The instruments

The instruments used to answer the research questions were the following: a Preliminary Questionnaire, four experiments and five writing strategies checklists such as: Writing Strategies Checklist: L1 Writing; Writing Strategies Checklist: English Direct Writing; Writing Strategies Checklist: Translated Writing; Writing Strategies Checklist: Comments Sheet, a Follow-Up Strategy Checklist, and a language transfer rubric.

The procedure

In order to acquaint participants with the study and to ensure that they understood from the very beginning the importance of their enrollment in this study, they were told that they should be present in our sessions every week within the semester. The duration of those sessions would depend on the requirements of the tasks included in each one. The first step included a session where the 26 participants were given a *Preliminary Questionnaire*. The purpose of this questionnaire was to find out what these students thought about writing both in Albanian and English. They could explain their choices only in English. Students were given 30 minutes to answer the questions.

Once this data was collected, the first experiment was conducted during the following week. The aim of this experiment was to investigate the first research question which included the following data collection: Writing a descriptive paragraph on “Describing a painting” in L1 during a class of Academic Writing in Albanian; Writing a paragraph describing the same painting but in English during the English class. During the Academic Writing class (in Albanian), students were given copies of the same picture. The 26 participants were told to describe the painting individually in their L1 (Albanian). This session was conducted by a teacher involved in Academic Writing in Albanian, however; the researcher of this study was also present. It lasted 45 minutes and the participants were given a checklist, *Writing Strategies Checklist: L1 Writing*.

The second part of the first experiment took place the same week, however; this time the 26 participants were attending an English session. They were given exactly the same painting that they had been describing during the Academic Writing class in Albanian. This session also lasted 45 minutes. All the participants were asked to write a descriptive paragraph in English referring to the picture. After they fulfilled the second task of the first experiment, the participants were given a checklist, *Writing Strategies Checklist: English Direct Writing*.

The second experiment took place during the third week. The aim of this experiment was to investigate the first research question which included the following data collection: Writing a narrative paragraph in class on an historical event about their (the participants') countries in their L1 and translating the same paragraph in English. The historical aspect in this phase of experimentation was chosen, because of the assumption that this type of writing would provide a great amount of data regarding writing strategies in L1 and FL writing. The session of this experiment lasted 90 minutes. After the students wrote the paragraphs in their L1, they were given the checklist *Writing Strategies Checklist: L1 Writing*.

Later on, students were asked to translate the existing paragraphs into English. They had another 45 minutes to complete the task. After the Albanian and English versions of the paragraphs were collected, students were given another checklist, *Writing Strategies Checklist: Translated Writing*.

The third experiment took place during the fourth week. Its purpose was to further investigate the first research question, including the following data collection: Writing a descriptive paragraph on "Describing a photograph" in L1 and translating it into the FL (English); and writing the paragraph directly in English. This session lasted 90 minutes. During this experiment, the participants were divided into two groups of 13 students. Thirteen students were instructed to write this kind of paragraph in their L1 and to translate it into FL. At the same time, the other half of the students were instructed to write this kind of paragraph directly in English. After 30 minutes, students who wrote in their L1 were instructed to translate the existing paragraphs into English. When students finished with the translation, they were given the checklist, *Writing Strategies Checklist: L1 Writing*.

The same participants were given a different checklist of strategies specifically related to the translation of the Albanian paragraph into English, *Writing Strategies Checklist: Translated Writing*. The other 13 participants,

who had written the paragraphs directly in English, were given a checklist, *Writing Strategies Checklist: English Direct Writing*.

During the fifth week of this research the fourth experiment took place. The purpose of the fourth experiment was to further investigate the first research question which included the following data collection: Writing a persuasive paragraph in L1 first and translating it in English (by 13 students in class); Writing a persuasive paragraph on the same topic directly in English (the other 13 students in class). After the 13 students wrote the paragraphs in their L1 and after translating the same paragraph into English, they were given two checklists. These two separate checklists were: *Writing Strategies Checklist: L1 Writing* and *Writing Strategies Checklist: Translated Writing*.

Meanwhile, the other 13 students wrote a persuasive paragraph directly in English. After fulfilling this task, this group of students was given a questionnaire, *Writing Strategies Checklist: English Direct Writing*.

After three-week break students were gathered in order to fill in two checklists, which would give further insights regarding students writing strategies in L1 and FL writing (all this considering the experience of their enrollment in the previous experiments). Participants were asked to provide a retrospective verbal report regarding the extent to which they made use of the various strategies while performing the task. They were given a checklist, *Writing Strategies Checklist: Comments Sheet*. The participants were instructed and were given 15 minutes to complete this checklist. This design of checklist was based on the feedback gathered during the study, and it contained a series of open-ended questions asking the students to sum up their reactions to the study. A content analysis of the open-ended responses to the Comments Sheet led to the construction of a new checklist based on the most common responses. This instrument, known as the *Follow-Up Strategy Checklist*, was given to students and they had another 15 minutes to write down their answers. This checklist constituted a retrospective measure of strategy use and attitudes.

The methodology conducted for the second research question consisted of using the same data collection from students' compositions of paragraphs in their L1, English direct writing, and translating their writing from their L1 to their FL. This data collection served to analyze the transfer of L1 strategies to English writing. The strategies used in L1 were examined in a more implicit way with the help of a teacher involved in an Academic writing course in Albanian. Similarly the strategies used in English were examined in a more implicit way with the help of another English teacher. These two

teachers were involved for more objectivity and reliability of the results. They used a language transfer rubric, which guided them while comparing and contrasting the paragraphs and detecting any positive, negative, or combined (positive and negative) language transfer. The narrative paragraphs composed by 26 students (experiment two) were analyzed and the researcher's focus was on the number of students' paragraphs where positive transfer, negative transfer, or both types of transfers were detected. The researcher's focus was on the reason for the transfer as well. Also, the descriptive and persuasive paragraphs composed by 13 students in their L1 first and translated by them in English (experiment three and four) were the researcher's focus regarding the detection of positive, negative, or combined transfer, and the reason for this occurrence.

Analysis and Discussion of the Findings

Regarding research question one, "*What are students' attitudes toward the involvement of L1 (Albanian) writing strategies in FL (English) writing?*" the interpretation and analysis provide a great deal of data collected which answer this question explicitly. Based on the results from the *Preliminary Questionnaire*, which was a tool of looking at students' insights regarding aspects about writers and about the process of L1 and FL writing (before they started working on the tasks conducted later on in the study), it can be claimed that in general these students didn't see these two processes as divided. They perceived them as overlapping. Moreover, they put these two processes on the same level of significance. Furthermore, most of the students believed that their education, social experiences, and family and friends had influenced their English writing. Conversely, some of these students believed that in many aspects these two processes were not connected at all. For instance, most of students believed that the Albanian writing instruction received at school hadn't influenced their approach to English writing.

Regarding the translation task as a process involved in FL writing, students believed that writing in English was not simply a matter of translating ideas from Albanian to English. They claimed that they had been taught a few writing strategies in Albanian writing, and this had helped them understand that translation was not an intelligent step in writing in English. Furthermore, students' beliefs seemed to be different regarding the usage of Albanian writing strategies into their English writing. It appeared that this

aspect was individual, depending on students' language proficiency and on the genre of tasks conducted.

Writing in English was assumed to be more difficult than writing in Albanian for an FL writer. Most of the students stated that they liked writing in Albanian and that they considered themselves to be good writers in Albanian. However, most of them didn't feel comfortable writing in English. Regarding grammar, students didn't believe that the grammar they were taught at school had helped them develop good writing skills. However, to the researcher's surprise, they seemed to be more positive toward the belief that by working on their grammatical errors, they could improve their writing fluency.

Students' beliefs were again different regarding the assumption that studying grammar and vocabulary were the most effective ways of improving one's writing, and that when developing the first ideas they should pay attention to grammar and vocabulary. In addition, most of them believed that as they wrote the paragraphs they should concentrate both on the content and on the grammar. Correspondingly, most of the students believed that the content should be more important than the grammar in writing an argument. This belief was unexpected at this stage because, as stated above, some of the students deemed the work on grammar as a tool that led to their writing fluency.

These students strongly agreed that any English text should include an introduction, development and conclusion. They strongly believed that a good introduction should anticipate the issues that would be dealt with in the paragraph. They claimed that starting a paragraph was one of the most difficult steps in writing. In addition, they believed that a good conclusion should summarize the main points. Similarly, these students stated that each paragraph should have a main idea and information supporting it, and that each paragraph should have had a unifying idea.

The results from the *Writing Strategies Checklist: L1 Writing*, where students gave their insights about the process of L1 writing after composing the descriptive, narrative and persuasive paragraphs, showed that L1 writing strategies were predominantly ranked by students while composing narrative writing. As students prepared and then wrote the versions of the paragraphs in their dominant language, they planned the organization of the paragraphs in advance or as they went along. Moreover, they paid attention to the connecting words that linked their ideas together, and they claimed they attempted to use a wide variety of vocabulary. Correspondingly, most of students didn't find themselves thinking in English or in another language.

It was interesting to find that the L1 writing strategies were less applied in persuasive writing when compared to narrative writing. Whereas, descriptive writing seemed to be the last genre of writing, regarding the extent to which students made use of L1 writing strategies.

Based on the results from the *Writing Strategies Checklist: English Direct Writing*, filled in by students after composing descriptive and persuasive paragraphs, English direct writing strategies were identically ranked by students while composing these two genres of writing. Students made use of these strategies in both descriptive and persuasive writing. For instance, the organization, vocabulary, and the use of complex grammatical forms were ranked identically in both genres of writing. However, students planned the organization of the paragraph in advance more when composing descriptive paragraphs than when composing persuasive paragraphs. Interestingly, one third of the students reported to be thinking in Albanian much of the time that they were supposedly engaged in the direct English writing tasks. Likewise when making a comparison between descriptive and persuasive writing tasks, results showed that these students applied English direct writing more while composing a persuasive paragraph than when writing a descriptive paragraph.

The results from *Writing Strategies Checklist: Translated Writing*, which provided participants' retrospective verbal report after composing descriptive, narrative, and persuasive paragraphs, showed that the items that referred to translated writing strategies were identically rated by students in descriptive and narrative writing. Surprisingly, students sometimes focused on the organization used in the first paragraph and changed the organization somewhat to fit the English language, both in descriptive and narrative writing. Moreover, making efforts to think how best to express ideas in English, and avoiding translating word-for-word was sometimes a problem for students. They reported having difficulties finding translation equivalents in English for words and using simpler words and structures in Albanian in both descriptive and narrative exercises. When compared to persuasive writing, there wasn't a difference drawn by students in terms of the importance of these strategies in three kinds of paragraphs.

The results from *Writing Strategies Checklist: Comments Sheet* gave further insights regarding students writing strategies in L1 and FL writing, and provided students' beliefs on the advantages they saw to this approach to producing a well-written paragraph in English. When students wrote in their L1 and translated into English, they felt that it was a useful approach to writing because it prevented them from making mistakes. To do this, they were required to know the word equivalents in English. Also, students

believed that it was easier to write in their dominant language since they spoke it better compared to English, and had more ideas in Albanian. They perceived the translation mode as a way of producing good English writing with the help of Albanian and dictionaries. However, there were students who opposed this view. They claimed that they didn't have any problems in writing directly in English, since the problem was in finding the correct words when they were required to translate their paragraphs from Albanian in English. Some students stated that despite the fact that they were not good at writing, composing first in their L1 and then translating into English was double work for them. While they believed that it was easy to write a paragraph in their L1, translating it was not the same. If they could choose, they would definitely choose to write directly in English rather than translating.

Results also showed students' negative attitudes toward the task of writing in their dominant language first and then translating. Many students reported to have problems when writing in past tenses, especially the narrative paragraph where they wrote about the history of their countries. Some students claimed that sometimes writing in English was not hard; however, they didn't deem it as original as writing directly in English. Some students disliked the translation task, because they didn't want to waste their time in translating.

Interestingly, the students claimed that it was better to write directly in English than to translate. Even if these students sometimes thought in Albanian while writing in English, they didn't like writing the paragraph in their native language and translating it into English. They believed that they should try to think in English even though it was hard at times.

Considering the analysis conducted throughout the results from the *Writing Strategies: Comments Sheet*, it is evident that some students liked writing directly in English. It was more difficult, because they needed extra time to think what tense they were supposed to use. While writing directly in English was a little harder for these students, it was better for language acquisition and creativity. Students believed that writing directly in English was faster and the translation task was intimidating for them. Some found it difficult to express and explain their ideas in English; however, they considered it as a way in which they could learn the target language more easily since they believed that they learned better from their mistakes.

Students' beliefs regarding the effectiveness of translation and writing directly in English (both as strategies) were evident in the *Follow-Up Strategy Checklist*. Regarding the effectiveness of translation as a strategy, it

is important to note that when students translated the paragraphs from their dominant language into English, they didn't bring better organization to the English paragraph. Moreover, they didn't make extreme changes in the organization of the L1 paragraph in order to fit the English language.

Regarding the clarity of the paragraph, only a few students thought through their ideas more clearly in the dominant language paragraphs than in the English paragraphs written directly in English. Correspondingly, many students found it difficult to translate into the FL. Moreover, most of the students claimed to have a greater number of ideas for the dominant language paragraph than for the English paragraph. Furthermore, the majority of the participants believed that they had a better vocabulary in the dominant language paragraph than they did for the English paragraph. The majority claimed to dislike being required to use translation as a strategy. They always found it easier to write directly in English than to translate, and that thinking in English during the whole process was better than translating.

Concerning the effectiveness of writing directly in English as a strategy, it is important to note that many students believed that writing directly in English was faster than translating. Students reported that writing directly in English usually helped them focus on English expressions. Additionally, most believed that writing directly in English helped them learn the language. Similarly, Ali (1996) favored direct writing in English rather than translation from L1.

Regarding research question two: *“Do students transfer L1 writing strategies to English writing positively or negatively? Why?”* the interpretation and analysis of the data collected which provide answers to this question explicitly. The findings from the narrative paragraphs composed by 26 students (experiment #2), in their L1 and the translated paragraphs into English, showed a great deal of language transfer. The analysis conducted while looking at the narrative paragraphs in students' L1 and the paragraphs in English, detected the transfer of L1 strategies to English writing in a positive and a negative way. The positive transfer was detected in the paragraphs of seven (27%) out of 26 students (100%). The negative transfer was noticed in the paragraphs of 11 students (42%), whereas, both transfers were found in the paragraphs of eight students (31%).

The findings from the descriptive paragraphs composed by 13 students in their L1 first and translated in English (experiment #3) were analyzed regarding the type of transfer of L1 writing strategies from students' L1 (Albanian) into their FL (English). The analysis showed that there was a

detection of the transfer of L1 strategies to English writing in a positive and a negative way. Positive transfer was detected in the paragraphs of four (31%) out of 13 students (100%). Negative transfer was noticed in the paragraphs of five students (38%), whereas, combined transfer was found in the paragraphs of four students (31%).

The findings from persuasive paragraphs composed by 13 students in their L1 first and then translated in English (experiment #4) were analyzed regarding the type of transfer of L1 writing strategies from students' L1 (Albanian) into their FL (English). The analysis showed that there was a detection of the transfer of L1 strategies to English writing in a positive and a negative way. Positive transfer was detected in the paragraphs of five (38.5%) out of 13 students (100%). The negative transfer was detected in the paragraphs of five students (38.5%), whereas, combined transfer was detected in the paragraphs of three students (23%).

Considering the findings regarding the transfer of L1 writing strategies into FL writing strategies in general, it is interesting to note that positive transfer was mostly detected in persuasive writing (38.5%). The descriptive composition (31%) was rated second in terms of positive transfer, whereas less positive transfer was detected in narrative writing (27%).

Regarding the content of the paragraphs where the positive transfer was detected, the analysis showed that they had interesting details and the preparation for writing was obvious. Considering organization, these paragraphs were well organized and double spaced. The main ideas were clear and interesting. Moreover, there was a good evidence of structure within paragraphs as well. These paragraphs had a wide range of appropriately used vocabulary with only the occasional missing accent and no use of non-target language. In terms of structure, these paragraphs had good control and varied use of forms (verbs and idioms). Overall, the structures were authentic English idioms and the meaning was clear.

The detection of positive transfer in the connection between writing systems, might put learners ahead in writing in the target language. Moreover, the resemblance in syntactical structures could assist the acquisition of grammar. Subjects speaking a language with syntactical parallel to that of the target language had a tendency to have less trouble with articles, word order, and relative clauses (Odlin, 1989).

Considering the findings regarding the transfer of L1 writing strategies into FL writing strategies in general, it is important to note that negative transfer was mostly detected in narrative writing (42%). It is also interesting

to note that descriptive (38%) and persuasive writing (38.5%) were evenly ranked in terms of negative transfer. Combined transfer was mostly found in narrative (31%) and descriptive writing (31%), and less noticeable in persuasive composition (23%).

The analysis conducted in terms of content of the paragraphs where negative transfer was detected in general, showed that these paragraphs had adequate but insufficient preparation with little forethought and were disorganized. There was no double spacing, the length was inadequate and in many cases, the content was inappropriate or unintelligible. There were many misspellings and missing accents, and a use of non-target language with incorrect syntax. The meaning in the paragraphs was obscured by inadequate vocabulary. In some cases, the vocabulary was below the level of proficiency as well. Most structures showed direct transfer from non-target language, and few were authentic English structures.

Regarding the content of the paragraphs where both transfers were generally detected, there was good research included but not enough details, and some preparation was clear. In terms of organization, paragraphs were clear, but the development of the main idea was confusing. The vocabulary was adequate, but sometimes it was repetitive or not varied enough. There were not many misspellings or missing accents, and there was no use of the non-target language. Some structures showed direct transfer from non-target language, while others were authentic English structures.

The specific language transfer detected in this research is called a “substratum transfer”. This transfer, as Weinreich explains, is defined in the following way:

Substratum transfer is the type of cross-linguistic influence investigated in most studies of second language acquisition; such transfer involves the influence of a source language (typically, the native language of a learner) on the acquisition of a target language, the “second” language regardless of how many languages the learner already knows (Weinreich,1980:26).

Similarly, Thomason (1981) suggests that the effects of substratum transfer would be more apparent in syntax than in the lexicon. Moreover, learning a foreign language constitutes a very complicated task when compared to L1 acquisition. The crucial difficulties didn't arise from any essential difficulties in the features of the new language themselves, but first and foremost, out of the exceptional “set” shaped by the first language habits. However, not all transfer was simply a result of habit formation

(Odlin, 1989). It was asserted that transfer was not simply a falling back on the native language. As Krashen claims:

Transfer ...can be still regarded as padding, or the result of falling back on old knowledge, the L1 rule, when new knowledge ... is lacking. Its cause may simply be that having to talk before “ready,” before the necessary rule has been acquired (Krashen, 1984:148).

Conclusion

Previous studies show that many researchers, while comparing first-language and foreign-language writing, have found that there were similarities among the strategies used for the two processes, and that L1 didn't hinder FL writing. Likewise, FL studies pointed to a transfer in terms of writing strategies from L1 to FL writing, predominantly for development and modification strategies. However, the present study investigated and described the influence of Albanian (as a mother tongue) in English (as a foreign language) writing strategies and the language transfer occurring.

The main findings of this research led to conclusions that there was a contradiction in what students thought or deemed right (theory) compared to what they did (practice). For instance, when asked to work on special tasks involving translation, students didn't like it, and they preferred the direct mode. When writing directly in English they were often unconsciously thinking in Albanian, thus making space for substratum transfer. This transfer occurred due to the influence of students' native language (Albanian) on the acquisition of a target language, English, regardless of how many languages the learners already knew (Weinreich, 1980). The language transfer detected was both positive and negative.

The students reported thinking through Albanian much of the time that they were supposedly engaged in the direct English writing task. This study implied that during the translated writing task, students were involved in written translation on paper, and they were engaged in mental translation during the direct writing task. It's important to note that the two tasks, subsequently, were not inevitably different in nature, but rather overlapping. The degree to which these two forms of writing overlapped also answered the second research question regarding the type of and the reason for language transfer.

In general, it was evident that the majority of these students perceived these two processes, L1 and FL writing strategies, as overlapping. However, they believed that writing in English was not simply a matter of translating ideas from Albanian to English. Furthermore, the attitudes toward the involvement of L1 writing strategies in FL writing were individual, depending on students' language proficiency and on the genre of tasks conducted. The detection of positive transfer in the connection between writing systems might have put learners ahead in writing in the target language. Moreover, the resemblance in syntax structures could assist the acquisition of grammar.

It was easy to recognize that the negative transfer involved inconsistencies from standards in the target language. Even though negative transfer was likely to be associated with production errors, there were other ways in which a learner's target language performance could diverge from the behavior of native speakers. Negative transfer also took place as a consequence of underproduction, overproduction, and misinterpretation, which were types of errors detected while composing in FL.

The explanation regarding the detection of both transfers lies on the content of the paragraphs where good research was included but there were not enough details, and only some preparation of the content was clear. Regarding organization, the paragraphs were clear, but the development of the main idea was confusing. Furthermore, the vocabulary was adequate, but sometimes it was repetitive or not varied enough. There were not many misspellings or missing accents, and there was no use of non-target language. Some structures showed direct transfer from the non-target language, while others were authentic English structures. There were also some authentic English structures, and the meaning was derivable.

There are a number of problems with analyzing transfer as simply as falling back to L1. It takes no notice of the head start that speakers of some languages have in approaching a new language. Moreover, language influence is always evident in some apparent "L1 rule." In fact, L1 influence can interrelate with other influences so that occasionally there will be no efficient association between learners' mother tongue prototypes and their efforts to use the target language.

Compared to the previous studies conducted, this research contributes to the field of SLA which is one of the most crucial and contentious areas in English Language Teaching. Moreover, it contributes in terms of providing teachers and students with a different point of view towards FL writing. Even though there are studies that have dealt with the influence of students'

L1 on FLA writing, there aren't any similar studies conducted in this region (Macedonia).

This research will make students aware of the importance of writing and change or even make teachers reshape their attitudes and expectations towards student writing in FL. Moreover, the research findings contribute to understanding and/or explaining the influence of the mother tongue (Albanian) in FL (English) writing. It provides insights regarding students' educational background in terms of writing strategies in L1 and FL strategies that students use. This study explored, understood, examined, confirmed and clarified the process of foreign language writing.

Limitations and Recommendations of the Present Study

It should be noted that this study had some limitations like other studies of this nature. The participants of this study worked under time pressure. Every task they conducted took place in the classroom within time constraints. Moreover, the number of participants was 26 and the results of this study refer only to these students, and there should not be any generalization made about the topic investigated. Furthermore, only the influence of one mother tongue (Albanian) upon English was examined, and more accurate results would be yielded if the study was done with other groups of learners.

Correspondingly, recommendations for further studies in this area can be made. Future researchers interested in this area could involve more participants with different mother tongues, and with no time constraint assigned. In this way there would be comparisons and contrasts made in terms of various students' L1 regarding their relationship with FL writing strategies and the type of transfer occurring. Moreover, a more detailed investigation can be conducted regarding the language transfer of Albanian into English writing in sentence level in terms of cross linguistic influence and contrastive analysis regarding the L1 interference in FL writing as well.

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Content and error correction feedback

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Abstract

With the data gathered from a qualitative and quantitative approach, this study examines the effects of content and error correction feedback and its impact upon improvements in student writing. The study also explores Native Speakers of English (NS) and Non-Native Speaker (NNS) teachers' approach and their actual response to students' writing. As a final point, it observes students' preferences and attitudes towards writing. Findings indicate that the results of the rewritten papers based on the constructive content feedback given by the teacher yield more coherent and improved papers, advanced writing skills and more developed critical thinking skills. In light of the results of the research, it is recommended that content feedback should be given frequently and specifically to preliminary drafts. In spite of the value teacher response has, it was concluded that teachers don't pay feedback the attention it merits. Most importantly, the results from the study deduce a positive change in students' attitude towards writing.

Përmbledhje

Ky studim, i cili është punuar me një qasje cilësore dhe sasiore, ka grumbulluar të dhëna, të cilat ekzaminojnë efektet e informacionit kthyes (*feedback*) rreth përmbytjes dhe rreth përmirësimit të gabimeve, por njëkohësisht edhe nxjerr në pah ndikimin që ka informacioni kthyes në përmirësimin e të shkruarit të studentët. Ky studim, gjithashtu hulumton qasjen dhe perceptimet e mësimitdhënësve rreth të shkruarit, ku, mësimitdhënësit pjesëmarrës në të, janë të ndarë në dy grupe: ata të cilët gjuhën angleze e kanë gjuhë amtare dhe të tjerët që këtë gjuhë e kanë gjuhë

të huaj. Përfundimisht, ky studim vërteton se informacioni kthyes rreth përmbajtjes së shkruar nga mësimdhënësi, ka patur një rezultat pozitiv në përmirësimin e të shkruarit tek studentët, ndërkaq ata (studentët), kanë përvetësuar shkathhtësitë e të shkruarit dhe kanë përmirësuar të zhvilluarit e të menduarit kritik. Duke u bazuar në rezultatet e studimit, rekomandohet që informacioni kthyes (*feedback*) rreth përmbajtjes së të shkruarit, të jepet më shpesh, veçmas në draftet preliminare. Edhe përkundër vlerës që ka informacioni kthyes (*feedback*), të njëjtit nuk i kushtohet vëmendje e merituar nga ana e mësimdhënësve. Por, fatmirësisht rezultatet tregojnë për një ndryshim pozitiv në qëndrimet e studentëve ndaj të shkruarit.

Апстракт

Оваа студија е работена со квалитативен и квантитативен пристап и има собрани податоци, со кои се испитуваат ефектите на повратните информации (*feedback*) за содржината и подобрувањето на грешките, но истовремено и се истакнува влијанието што ја има повратната информација во подобрувањето на пишувањето кај студентите. Оваа студија, исто така, го истражува пристапот и перцепцијата на наставниците во процесот на пишување во кој се вклучени. Наставниците се поделени во две групи: првата група е составена од оние на кои англискиот јазик им е мајчин јазик, додека другата група е составена од оние на кои овој јазик им е странски јазик. Конечно, оваа студија потврдува дека повратната информација за пишаната содржина од страна на наставникот, има позитивен резултат во подобрувањето на пишувањето кај студентите, а тие пак (студентите) ги совладале вештините на пишување и го подобриле развивањето на критичкото размислување. Врз основа на резултатите од студијата се препорачува повратните информации (*feedback*) за содржината на пишувањето да се дадат повеќе пати, особено во прелиминарните нацрти. И покрај вредноста што ја има повратната информација (*feedback*), на истата не и се посветува доволно внимание од страна на наставниците. Но, за среќа, резултатите покажуваат дека има позитивни промени во ставовите на студентите кон пишувањето.

Introduction

Writing is essential in order to equip students with critical thinking skills which are necessary to deal with difficult tasks such as problem solving. Writing promotes learning and complex thinking. Writing helps students express and reshape their ideas. Given the importance of writing, it requires continuous practice and feedback to improve this delicate task.

This study ranks using multiple drafts as a supposedly highly-facilitating method of teaching and improving foreign language writing. The current study aims to encourage students to first look critically at their writing and then to improve it. Hence, this study provides more concrete suggestions for how writing could be done more successfully.

The practical reasons for this study were that it was designed to make giving feedback less confusing and less complex, and it aimed to make teachers and students more aware of the writing process and the significance of feedback. This study raised the awareness that a good paper is a paper which is free of errors that make the writing unreasonable or illogical, and not a paper that is free of minor surface errors.

This research reviews the literature on writing in a second language (L2) and foreign language (FL) writing, where the term L2 refers even to EFL, as stated by Odlin:

The term ESL (English as a Second Language) will be used even in cases in which EFL (English as a Foreign Language) might be more appropriate. While such a terminological distinction can be crucial for those developing syllabi or preparing pedagogical materials, the distinction is less important for researches studying cross-linguistic influence (Odlin, 1989:5).

Previous studies

The previous studies are being used as a reference and possibly as benchmarks upon which this study is based. These studies will comment on the importance of writing and feedback given to students' writing. Separate parts will include studies regarding content feedback and error correction feedback and another part will present the studies examining both, content

and error correction feedback together. Teachers' and students' beliefs on giving/receiving feedback will also be a part of the previous studies.

Hyland, K. and Hyland, F. (2006) in their book *Feedback in Second Language Writing* showed that the importance of feedback emerged with the development of learner-centered approaches to writing instruction in North American L1 composition classes during the 1970s. Response to students' writing has been a subject of interest to teachers and researchers for many years, yet many questions remain unanswered. Until the early 1990s, however, research into response in L2 writing opposed to error correction did not really begin.

In order to have a better understanding of the writing process today, it is necessary to look at the past practices of the teachers and their beliefs. In the mid-1960s, L1 writings were mainly responses to literary texts and L2 writings were not taken seriously; instead they were used as grammar reinforcement (Kroll, 2001). Teacher commentary in the past focused more on errors and justifying grades, which did little to help student writers make progress (Knoblauch & Brannon, 1981). However, today most teachers have adopted the 'process approach' where writings are done in a process, which requires multiple drafts of a paper. The transformation is from 'focus on form' to 'focus on writer' (Kroll, 2001).

Several researchers have suggested that if the writing process involves multiple drafts, the first draft should have feedback on content and the second on grammar (Ferris, 2003; Headgcock & Lefkowitz, 1996; Kroll, 2001). One reason for beginning with content is that "content will change with the drafts; therefore, grammar errors may disappear and responding to students' grammar in the initial draft will short circuit students' own ability to attend to macro-level meaning changes" (Ferris, 2003:23). Another reason is that response to grammar errors in the first draft places more importance on the mechanics rather than the content. White & Arndt (1991) in their book *Process Writing* say that treating any piece of writing primarily as a source of language errors misses the point of our approach.

John Truscott's (1996) in *The Case Against Grammar Correction in L2 Writing Classes* argues that grammar correction not only is ineffective but it is even harmful, and for that reason, it has no place in the writing classroom. He states: "grammar correction has no place in writing classes and should be abandoned" (p. 361). He explains that the notion of marking errors fails to acknowledge the complexity of language development but will only show the students the break between their production and correct forms of written English, then, he maintains that the structures noted by the teacher may not

be adequate for the students to acquire. Truscott (1996) strongly advised against giving *form* feedback and he recommends that all language teachers should avoid giving feedback on surface errors.

There are teachers who don't separate grammar from writing. Frodsen & Holten (2003), claim that grammar is viewed as an essential component of all communication and therefore grammar and writing are inseparable and meaning cannot be expressed appropriately without grammar. Separating form and content is fake and impossible to maintain when giving written feedback to writing (Hyland, 1998).

Fathman and Whalley (1990), who studied the effects of different types of teacher feedback on students' rewrites, found that students can improve their writing in situations where content and form feedback are given simultaneously. They disagreed with other teachers and researchers who stated that different types of feedback should not be mixed in one paper. For instance, Semke (1984) shows that commenting on the content of students' compositions lead to better results than error correction alone or a combination of error correction and comments on content. Furthermore, other researchers such as Brannon & Knoblauch (1982), Sommers (1982) and Zamel (1985) concluded that teachers should avoid mixing content and form feedback on the same draft and states that students may become confused and not know which of these comments deserve a higher priority.

Whether NS and NNS teachers have the same attitude towards giving feedback has also been examined by previous researchers. Shi (2001) in her study examined the differences between native and nonnative EFL (English as a Foreign Language) teachers' ratings of the English writing of Chinese university students. Shi explored whether two groups of teachers, one group who speaks English as their first language and the other who are ethnic Chinese with proficiency in English, gave similar scores to the same writing task and used the same criteria in their judgments. The results showed that the English-background teachers attended more positively in their criteria to the content and language, whereas the Chinese teachers attended more negatively to the organization and length of the essays.

Green and Hecht (1985) found that NNS teachers tended to be more severe in their judgments of error gravity than NS teachers. They also observed that NS and NNS teachers rarely viewed the students' text as discourse, which leads to conclude that language teachers are too sentence-centered when evaluating students' writing.

According to Holt (2007), a writing coordinator for non-native speakers of English, comments must be more specific than “this is not clear.” There should be examples and specific explanations for ideas. There should be a lot of comments on logical development in a non-native speaker’s essay. One of Holt’s methods for grading is to assess primarily on content, and also to circle types of errors on the final draft and ask the students to correct them after the ideas are clear. Holt (2007) in *Responding to Non-Native Speakers of English* gives some useful approaches on responding to students’ writing. He says that teachers should comment on grammar only after the organization or content of the paper is viewed, and this will avoid over correcting the grammar and ignoring the content.

Not only teachers’ beliefs and their use of feedback have been observed by researchers, but there are also studies which have examined students’ beliefs, preferences and reaction to teacher feedback. Hedgcock & Lefkowitz (1994, 1996) studied writers’ preferences concerning teacher feedback and the types of teacher response they had received. They explained that ESL students claim to prefer comments on ideas and organization on earlier drafts and grammar feedback on final drafts. Many studies show that students want to receive error correction feedback and its absence may be confusing for the students. Kumar & Stracke (2007) recommend that while students might view feedback as 'error correction' teachers generally perceive it as a teaching/ learning process, for this reason teachers can encourage students to view feedback in this more active and positive way.

Hartney (2007), on *Strategies for the management of lecturer stress in feedback tutorials* states that students with high self esteem value all feedback, positive or negative, and students with low self esteem will interpret even positive feedback negatively. Leki (1990) analyzed students’ reaction to teacher response and reported that students ignored their teacher’s feedback, because they had difficulties understanding it, and felt aggression towards their teachers attempt to correct their writing.

The previous studies mentioned above have looked at the different aspects of giving feedback to written work, but none of them looked specifically at multi-lingual participants whose L1 is Albanian or Macedonian. This might have an influence, because of students’ previous knowledge or cultural background, experience with teacher feedback and the influence of language transfer. Students’ experience in L1 writing or even in EFL might have been different because of their teachers’ attitudes and responses to students’ writings.

Present Study

The present study was conducted during the winter semester 2007/08 and it lasted during the summer semester 2009. Because of the quantity of marking required for each paper and experiment, the data collection took place continuously during the academic year. The research questions framed in order to investigate the aims of this study are:

- 1) What type of feedback *content and organization* or *error correction* feedback is most effective for improving students' writing skills?
- 2) What are native speaker (NS) and non-native speaker (NNS) English teachers' perceptions on giving feedback to students' writings, and how do English teachers, NS and NNS teachers, actually give feedback on written composition?
- 3) How do students perceive writing feedback and what are students' attitudes toward the feedback they get?

The subjects participating in this study were 60 students attending intermediate Basic Skills English and 40 students attending Academic English classes in their second academic year. The participants came from different departments. They were both males and females. The students were from two different nationalities (Albanian and Macedonian), although the majority of them were Albanians. They were aged from 18 to 21. The parameters for choosing these students were based on their readiness and ability to write in English. The philosophy of response was introduced from the beginning of the semester. Before receiving different types of feedback, the students were introduced to the types of feedback, the symbols and the comments.

Apart from student participants this study was comprised of teacher participants, too. This group was comprised of seven Native English Speaker (NES) teachers and seven were Non Native Speaker (NNS) teachers of English (all native Albanians). The teachers were all employees at South East European University, in Tetovo.

Methodology

The first instrument for data collection was in the form of paragraphs. The participants were not graded on their paragraphs, but the aim of giving feedback was to teach them how to attend to the given feedback. The students were asked to write a short paragraph without specifying the genre. They were given only error correction feedback to the first paragraph and were asked to write the second draft applying the feedback they received. On their second draft they were given content feedback alone and they were asked to rewrite the paragraph by making the required changes. And on their final draft they were given content and error correction feedback together, whereas, on the final draft they were asked to respond to the feedback and fix the existing errors or problems. The teacher, who was also the researcher, assisted and encouraged individual students to focus on the specific parts where improvement was needed.

Later during the semester, the student participants were asked to write a well-structured persuasive paragraph. The students had to write the paragraph in-class and to use specific reasons and examples to support their opinion. After their paragraphs were collected, the teacher provided the students with content and organization feedback (comments on meaning, coherence, evaluative comments, questioning comments, etc) on the first draft. They received error correction feedback (spelling, punctuation, grammar, and mechanics) on the second draft.

The students received their feedback the next class, and were asked to revise the same paragraph based on the comments and the marks given by the teacher. The improvements of the second draft were analyzed, and the effectiveness of different feedback implementations was compared. The last version was used to see the effectiveness of error correction feedback.

The next instrument for data collection was in the form of essays. This was one of the most time consuming parts, yet it proved to be the most fruitful experiment of this research. For homework, one hundred student participants were assigned to write a persuasive essay. They were provided with content written comments on their first draft. After they received feedback, they were asked to consider the given feedback and rewrite the

same essay (this time in class) and turn it in at the end of the class. Once the students had rewritten their essays, the area of progress in terms of content feedback was analyzed. The teacher analyzed the changes that the students applied on their second drafts of the essay where they had attended to content feedback. Then error correction feedback was given. At the end, the teacher asked the students to write the final draft considering the surface errors marks given to the second draft. Summing up, writers had to reflect on their drafts and then were asked to correct and rewrite their drafts by focusing on the organization of content and then on form.

Teacher-student conference was a part of this research in order to explain in more detail the feedback given to the students. At this stage, a few students were given more explicit feedback. The teacher and the students discussed their difficulties, problems, misunderstandings and confusions. Conferencing was a particularly useful technique to show the students the gaps in their papers. Students could directly ask the teacher questions on the issues they had difficulties with.

The next tool for data collection was feedback given to two randomly chosen essays by 14 of the above mentioned teachers. These teachers were asked to provide feedback to these two essays. They weren't informed on what type of feedback to give, nor given any grading rubric. The reason for not suggesting any specific feedback was to find out how they actually give feedback. Specifically, the researcher wanted to find out what types of feedback the teachers provide and how they give comments: by focusing more on content or error correction, and/or by praising or criticizing the students, etc.

The types of feedback given by the teachers were analyzed and compared with the teacher questionnaires filled in by the same teachers. The teacher questionnaire consisted of several questions related to giving feedback to students' writing. The first part of the questionnaire consisted of questions about teachers' beliefs about feedback to students' writing, including how teachers respond to a first draft, to a second draft and to the final draft of a student paper.

Fourteen teachers responded to the questionnaire adapted from Diab L. Rula (2005). Apart from the specific questions, space was provided for

teachers to give their own comments or to add something which was not mentioned in the questionnaire that they thought was important. After receiving the completed questionnaires, the answers were analyzed to see how NS deal with the feedback (teachers' perceptions) and how NNS consider the issue of feedback. It was essential to discover how aware teachers were of the feedback they gave.

The questionnaire was given to the teachers after they had given feedback to the two essay samples. To prevent questionnaire bias, the teachers had to give their feedback prior to completing the questionnaire. Teachers wrote their names in the questionnaires since the way in which NS and NNS teachers gave feedback to students' essays was compared and contrasted.

The instrument for collecting research data from the students was a student questionnaire. This data gathering instrument provided a lot of information, and it was a time-saving technique. One weakness of using the questionnaire was that some students misinterpreted some of the questions even though there were instructions (followed with translation and a guide on how to complete it). The questionnaire was administered by the teacher to ensure that the students understood and answered all of the items on it, and to clarify any ambiguity that the participating students may have encountered. To make the study more reliable and to avoid bias, the questionnaire did not require the students to write their names. It took the students nearly 15-20 minutes to complete the questionnaire. To ensure that all the questionnaire items were understood by the participating students, the questionnaire was written in simple and clear English. The student questionnaire was also adapted from Diab L. Rula (2005).

Analysis and Discussion

From the first experiment (where students were given error correction first, and then content feedback followed, with content and error correction feedback blended on the next draft), it was easily understood that error correction feedback was applied successfully by the students. It was not difficult for the students to find the errors that were underlined, circled or indicated with symbols or signs to show the type of error made. All 100 students had at least a few errors and from 100 students, 90 had corrected

some of the errors. Unexpectedly, 70 students corrected all the errors marked by the teacher/researcher. Ten low-proficiency students simply ignored the feedback, which was not surprising, because the students didn't really enjoy writing and some of them thought that they were not skilled in writing. Error correction was not difficult for the students, so they didn't need a lot of time to rewrite their paragraphs. There were some cases when students asked if they were obliged to rewrite the paragraph since they had only a few errors.

The improvements on the second draft were on subject verb agreement, word order, punctuation, spelling and capitalization. The feedback provided was helpful only on the improvement of surface errors, which were not enough in helping students improve their writing skills. Their paragraphs were not improved since they did not work on the content and the organization of the paragraph. The findings showed that error correction feedback was successfully integrated into the students' next drafts.

Another obstacle was that students were trying to avoid expanding their paragraphs. The results showed that learners who found a construction difficult to correct were apt to avoid it and used it only when they were self-assured, or when they had no other choice to consider. This led to shorter paragraphs, because students who couldn't fix the errors in a sentence ignored the whole sentence.

After applying the content feedback, the third drafts of students' paragraphs were more logical and organized. The content feedback that they received was clear, with examples and clues provided on how to change what was wrong. An end note was written to explain the students' weaknesses and strengths in more detail. Forty-five students had included a thesis statement, arguments *for* or *against* and a better summary in the conclusion. The remaining 35 students, who partially applied the feedback, had either improved the arguments or the introduction/conclusion.

On the final drafts, when providing both types of feedback, content and error correction together, 90 students integrated the error correction feedback, 75 students applied the content feedback and 70 students applied both types of feedback. The improvements may be a result of students fixing grammar and content separately. Even though they fixed grammar and improved the content on separate drafts, new errors and problems occurred on their next draft.

To sum up, giving error correction on the preliminary draft proved not to be effective. Students changed the content and then the grammar errors, spelling, punctuation and capitalization problems occurred again. It can be

concluded that students can easily integrate error correction feedback, but it is not helpful for improving writing skills. Even though content and error correction feedback together achieved some good results to students' drafts, the effects of content and error correction responses combined, could not be examined objectively since they were not given to preliminary drafts.

The results gathered from the second experiment confirm that when content and organization feedback were given first the students' essays were more improved and better organized. These results proved that content feedback should be given on preliminary drafts. This makes the results of the first experiment more reliable; it provides evidence that error correction should be given after content and organization feedback. It was obvious that content feedback was more difficult to apply than error correction feedback. Even though 80 students tried to apply content feedback, only 45 improved the meaning or the content of the paragraph to some extent.

Another point to discuss is that it was easier for the students to apply the feedback separately, first content and organization and then error correction. Twenty students managed to improve the content (which is likely to be more difficult), better than in the first experiment. Integrating the organization feedback did not prove to be difficult for the students. Despite the difficulty of integrating content feedback, most students achieved success in revising their drafts. Fifteen students ignored the given feedback completely. Thus, students who were more interested in improving their paragraphs tried to apply the given feedback. On the other hand, the students who had a negative attitude towards writing didn't rewrite their paragraphs. The areas of improvement were: 60 students had more coherent paragraphs, 55 improved cohesion, 60 students improved meaning and 70 students used transition signals more appropriately.

In order to make the first and second experiment more reliable, the third experiment aimed to test the same issues of feedback but on students' essays. The results showed that the first versions of students' essays lacked the following: clearly marked paragraphs, a thesis statement, insufficient arguments, transition signals, and a good introduction/conclusion. This may indicate that students usually commit similar mistakes, and therefore, receive similar comments and corrections. It doesn't mean that in one essay all the difficulties mentioned were present. For instance, some students had written only one argument, and on the other hand, there were students who had more arguments but were missing examples. Some students had only arguments *for* and they didn't include any arguments *against* or in opposition. Only a few essays needed minor interventions to be transformed into well-organized papers, and these essays were written mostly by Academic English students

who had higher level of proficiency. After applying the content and organization feedback, which provided the students with comments on how to divide the writing into clear paragraphs, the students had more coherent and easier to understand versions of their essays. After applying the content feedback, there was improvement in cohesion, with more structured sentences that were correctly linked together and less repetition.

Content and organization feedback integration was more successful and effective in helping students improve their essays. The students had to work on coherence between paragraphs where content and organization feedback was very helpful. These results suggest that teachers should focus more on content and organization when they provide feedback, which would help students improve their papers and their writing skills. It can be concluded that focusing primarily on correcting grammatical errors gives students the feeling that language form is one of the most important parts of the writing process. As a result, the students are discouraged from making further vital efforts to write.

The feedback given by the teacher was in the form of detailed and informative comments on content. These comments allowed the teacher to reach out to the students and to create a better and a more motivating working environment. The teacher tried to use short questions in order to stimulate the students' thinking process or the students' critical thinking. Simply put, comments facilitated student revision and resulted in improvement on their writing skills.

The teacher didn't neglect to give positive comments and to praise the students. By giving positive comments the teacher emphasized the students' strengths and improvements. It is important to mention that positive comments were not followed with 'but' and then a negative comment. Thus, positive comments were only positive not combined with a negative remark. Another useful feedback form was having a dialogue with the students. By communicating with the students the teacher established a better teacher-student rapport and this showed that the teacher valued the students' work and effort.

Once the students applied the content feedback they were given error correction feedback on their next draft. Eighty-five students applied error correction feedback, while 12 students applied it to some extent. The findings showed that attending to error correction was more effective compared to the previous experiments. The results indicated that surface errors of an essay (such as spelling, punctuation and grammar) could be easily identified by students, because they were previously trained to

proofread for these errors. However, identifying missing information and misconceptions were more difficult.

To conclude, giving content and organization feedback on preliminary drafts led to a more improved final version of the essay. Content feedback was more difficult to apply but, by integrating it, the students believed that their ideas or opinions were valued, thus improving their essays and their critical thinking. In addition, content and error correction feedback proved to be accepted positively from the students. Through examining the efficacy of feedback and determining which feedback needed to be given to preliminary drafts the usefulness of having multiple drafts was detected. Writing more drafts of a paper proved to be very useful in helping students improve their writing skills and at the same time create a positive attitude towards writing.

Next, the results from teacher student conferences showed that these conferences were necessary for a majority of students. Some of them had difficulties understanding the feedback and others were interested to find out more information about their writing. Kroll (1991, p. 259) mentions one advantage of conferencing. "Conferencing allows the teacher to uncover potential misunderstandings that the student might have about prior written feedback on issues in writing that have been discussed in class." After attending the conferences, students said that they understood their problems, were willing to improve their writing and gained more self confidence.

NS teachers' beliefs and NNS teachers' beliefs were analyzed from the questionnaires they filled in where they were asked to answer how they report on a first draft and how they report on a final draft. Whereas, the actual feedback they provided was examined only on a single draft.

NS teachers and NNS teachers of English had different beliefs and attitudes towards providing feedback. When comparing what NS and NNS thought about responding to writing and what they actually checked when marking students' papers, it was obvious that what they reported on the questionnaire was not truly practiced while responding to students' compositions. There were mismatches between teachers' beliefs and practice. NS were more likely to give feedback on two 300-word essays, whereas, there were some cases when NNS didn't give feedback at all and other NNS teachers delayed the feedback. Unexpectedly, it was found that teachers' attitudes towards giving feedback were more negative than students' beliefs about the feedback they received. From this it can be concluded that the teacher's responsibility and competence can be a topic for further research.

NNS teachers had higher expectations when reporting their thoughts and in fact they gave less and not very facilitative feedback than they reported. Even though they reported that they were very concerned with the main idea and organization of the students' papers, they commented more on surface errors than content. Most NNS teachers tried to correct all mistakes, which is considered a traditional approach to the correction of compositions. NS corrected mistakes separately or simply ignored mistakes and commented on content only. NS teachers explained the mistakes diagnosed and wrote symbols, while NNS only diagnosed the mistakes, underlined them or simply crossed out the wrong forms. NS teachers praised the students more often than NNS teachers. It can be hypothesized that they did this to balance positive and negative feedback by blending positive and negative comments on one sentence or by writing the negative and positive comments separately.

When their beliefs and suggestions were compared with the actual feedback they gave, it was concluded that NNS teachers gave very short comments and mainly marked grammar by underlining the errors, and NS teachers mainly gave end note comments and sometimes marginal comments. NS teachers wrote short comments in the papers as they read and composed a summarizing page-length note. NS teachers' comments differed from NNS teachers in that these comments were more elaborate and a few examples were given in the explanations.

The aim of the second research question was not to see how NS and NNS teachers responded to the first and second draft but to see what type of feedback NS and NNS teachers of English provide in general and how they apply the feedback. This research question was designed to see whether these teachers were mostly focused on surface errors or on the content of the composition. Also, it aimed to investigate the most common feedback given and if the teachers blended the two types of feedback, error correction and content feedback.

The results from the questionnaire showed that NS teachers when responding to a first draft were more focused on giving content feedback rather than surface error correction. Most NNS teachers agreed on checking for grammar, capitalization, spelling and punctuation mistakes. Commenting on the content of the first draft was reported as strongly agreed by six NS teachers and disagreed with by one. On the other hand, NNS teachers also agreed on giving content feedback to the first draft but they were not that compatible and two teachers reported as neither agree nor disagree. When responding to a first draft, NS teachers said that they commented holistically on the organization, style, and content by making a summary list of

comments or by making general comments at the end of the draft. They reported that they asked a lot of questions which, in turn, helps students improve their drafts. NS teachers mostly preferred to carry out a conversation with the students about the paper, to focus on the main ideas, and to point out major errors.

As far as NS teachers' beliefs about response to a final draft of a composition were concerned it was concluded that they responded to surface errors, yet two teachers disagreed. Native speaker teachers believed it was appropriate to comment on the content even on a final draft. On the other hand, NNS teachers continued giving surface error feedback in later drafts, which they claimed had been given on preliminary drafts.

When analyzing the responses on the other part of the questionnaire it was concluded that five NNS teachers preferred crossing out what was incorrect and writing the correct word or structure and by only showing where the error was. None of the NNS teachers reported that they ignored the errors in grammar, spelling, punctuation, and to only pay attention to the ideas expressed. NNS teachers claimed to give the correct answer with the proper explanation if it was a repeated mistake.

As far as the response to a second draft was concerned, all NS teachers and only two NNS teachers said that they commented on general strengths and weaknesses; made a summary list of comments on the cover page; offered general comments on content/style/organization and mechanics; and provided suggestions. Commenting on the improvement made since draft one was marked by six NS and four NNS teachers. Four NS teachers and surprisingly none of the NNS teachers claimed to use the correction strategy of showing where the error is and giving a clue about how to correct it.

From this can be concluded that teachers have different beliefs and attitudes towards writing. The difference was more significant when comparing NS and NNS teachers' attitudes towards giving feedback. This was a result of their beliefs from the cultural background and their previous experience with teaching writing.

The student questionnaire was analyzed and data was used to gain a deeper understanding of the students' motivation and their attitude towards the received feedback. Surprisingly, the number of students reporting to be discouraged by negative comments was 62 out of 100. From the experiment, it was concluded that 10 students didn't fix the surface errors, 20 students didn't read the comments nor integrate the content feedback into their next drafts, and 15 students didn't attend to content and organization feedback. It

appeared that students found content feedback more difficult to understand and to apply, and as a result, they tried to avoid integrating it in their next drafts. The analysis of the student questionnaire showed that the 80 above mentioned students, claimed to read every mark or comment carefully and 60 said that they looked at some marks/comments more carefully than others. Interestingly, 80 students were interested in the comments on their ideas.

Students placed great importance on receiving grammar feedback, and then they showed interest in having vocabulary and spelling mistakes marked. It wasn't surprising that students ranked grammar as the most important element to assess since they are very preoccupied with writing grammatically correct sentences. It was concluded that students often worried about making mistakes and they thought that teachers must check grammar, vocabulary and spelling. Comments on the ideas expressed were ranked next, followed by punctuation, followed by comments on organization, writing style, grade and mechanical errors. The students didn't want to have all the repeated errors corrected. To comment more than to correct was not preferred. Surprisingly only 20 students said that the teacher's comments have to be clear, which showed that students didn't have difficulties reading the teacher's comments. Finally, students disliked having all major error corrected, but not the minor ones.

Conclusions from the first research questions

In assessing the first research questions this study yielded the following results:

- 1) The results showed that 90 students applied error correction feedback and 70 students attended to this feedback successfully.
- 2) The results also showed that 80 students attended to content feedback and 45 students applied this feedback successfully.
- 3) Blending content and error correction feedback showed good results.
- 4) Giving content feedback in the first drafts and leaving grammar corrections for the final draft proved to be very effective in improving students' critical thinking and the quality and the quantity of their writing. Content feedback helped students

realize where the essay structure broke down and helped them to avoid confusion.

- 5) Eighty students managed to apply the content feedback on their next drafts of their essays, which resulted in 50 very successful drafts.
- 6) It was apparent from the findings of the study that the students learned from the teacher's comments and improved their writing skills.
- 7) Providing students with feedback on surface level concerns did not contribute to students' improvement in writing. They repeated the same mistakes in their next drafts.
- 8) It can be suggested that grammar shouldn't be the main issue to be corrected, particularly when it doesn't interfere with meaning. Instead teachers should stress more the development of the essay, the coherence and the quality of the content. Teachers should not focus on grammar in the preliminary drafts but comment on the ideas expressed. Also, students should not think that grammar is the only thing that counts in writing.
- 9) Based on the research findings, it was concluded that teacher-student conferencing was critical for both lower and higher proficiency level students, as there was a better understanding resulting from clarifying the teacher's comments. The conferences provided the students with more sophisticated skills to rewrite their drafts.
- 10) Teacher-student conferencing fostered students' critical thinking, made students feel as valued members, and established a very positive teacher-student relationship. Thus, when students feel respected, they become actively involved in their own writing processes.

In assessing the second research questions this study yielded the following results:

- 1) Both native-speaker (NS) English teachers and nonnative-speaker (NNS) English teachers found giving feedback to writing as time consuming and complex.

- 2) NS were more familiar with the process approach than NNS teachers.
- 3) NS teachers used multiple drafts to teach writing.
- 4) NS teachers compared to NNS teachers paid more attention to content (especially in preliminary drafts) than to marking the surface errors.
- 5) NNS teachers wanted their students to have as few errors as possible, but that was not the case with NS teachers.
- 6) The present study also found that what NNS teachers reported in the questionnaire was not what they practiced when giving the feedback. Their actual feedback was superficial.
- 7) In spite of the value of teacher response, it was shown that feedback is not given the attention it deserves.

In assessing the third research question this study yielded the following results:

- 1) After analyzing students' beliefs about receiving written feedback, it was concluded that the majority of them had a positive attitude towards the writing process and receiving feedback. Mainly, students were looking forward to receiving feedback and they wanted to have all their errors checked.
- 2) The majority of students ranked checking error correction as the most important feedback. They perceived an overemphasis on grammar and spelling.
- 3) Sixty-two students reported to be discouraged by the negative comments. It was concluded that negative feedback is frustrating and doesn't motivate students to write.
- 4) Students with high self-esteem valued both positive and negative feedback.
- 5) It was understood that students greatly appreciate and value feedback and consider it very important in their writing development.

- 6) The students' reaction to surface error feedback might have been affected by the priority of their teachers' response to writing in their earlier stages of education.

In conclusion, because no research has specifically investigated the effect of feedback options to Albanian students' writing, the findings of the present study are noteworthy. This study will contribute to raising the awareness of the concept that the quality of writing and the quality of content are strongly connected; without improving the content it would be impossible to improve the quality of the paper and the writing skills as well. Therefore, teachers should focus more on commenting on the content rather than marking errors. In early drafts, correctness is not very important and not very helpful. What is important in preliminary drafts is what the student/writer is trying to convey and how the student/writer is transmitting his/her message (content). The study reveals that it is important for teachers to reinforce the importance of their responses so as not to give their students an impression that feedback on grammatical or surface errors is more important than the idea, the message or the content of the piece of writing.

Limitations and Recommendations

One of the limitations of this study is that it is not a longitudinal study: we cannot see if students will integrate the feedback on their next drafts in the future. Another limitation is that the number of the teacher participants (NS and NNS) was not enough to have a very clear picture of teachers' beliefs and practices. Also, NS and NNS teachers could have provided feedback to multiple drafts of an essay, so their response to preliminary and later drafts could be examined. As this study does not investigate NS and NNS teachers' actual response to multiple drafts, further research can examine the way in which NS and NNS teachers actually respond to preliminary and later drafts. Therefore, one cannot generalize based on the results of this study. Regarding the methodology of the study, this research might have been improved by the inclusion of a larger number of NS and NNS teacher participants.

Further research can examine giving feedback to different types of essays, not only persuasive papers. Another topic to support the complexity of feedback can be an investigation into peer feedback and its effects. A more longitudinal study examining students' integration of the error correction and content feedback into their writings in students' future

compositions can also be a worthwhile study. Moreover, additional research can investigate the effects of direct and indirect error correction feedback in students' multiple drafts.

Summing up, this study, together with the previous ones, contribute to the importance of giving content feedback on preliminary drafts. Other researchers can examine the issue of feedback from different angles. It is expected that further research can be carried out so as to present EFL teachers more insights into giving constructive and effective feedback.

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Albanian Communal Forests, a Mechanism for Sustainable Management

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Abstract

Since the socialist period until the beginning of transition, Albania inherited damaged forests from unsustainable and inadequate management practices. This came as a result of low public awareness on forest protection. People often referred to forest land as common property with open access, where nobody controlled it and caused a great human pressure on them.

Taking into consideration this situation, the main challenge since the beginning of the transition period, was the preparation of a new legal framework. The aim was to increase the responsibility and involvement of local communities in natural resources' planning and management.

The Albanian Government referring to the new forest strategy and forest law, decided to recognize by law three ownership types; state, communal and private, as well as transferred over 40% of the forest area to the Local Government Unit (LGU). The political decision to transfer state forests and pastures to LGU, aimed the decentralization of forest and pasture governance, conceding responsibilities to rural communities on forest and pasture management in order to fulfill better their needs, stopping further on the degradation of natural resources and starting their rehabilitation through friendly environmental interventions.

The realization of this transfer process took nearly 13 years, and nowadays the results in the communes with forestry property have been

good. This led to the decentralization and improvement of natural resource management, increasing incomes, as well as strengthening LGU capacity building and rural communities. Also, illegal activities having negative impacts on land, forests, pastures, fauna were minimized, and wrong management practices were eliminated as well.

Abstrakt

Nga koha e socializmit deri në fillim të tranzicionit, Shqipëria ka trashëguar pyje të dëmtuar nga zbatimi i praktikave të gabuara menaxhuese dhe një ndërgjegjësim të ulët të qytetarëve për mbrojtjen e tyre. Njerëzit shpesh e konsideronin tokën pyjore si një pronë të përbashkët me të drejtën për t'a përdorur, por të kontrolluar nga askush, duke shkaktuar në këtë mënyrë një presion të madh human mbi burimet pyjore.

Në funksion të kësaj situatë, përgatitja e një kuadri të ri ligjor ka qenë një nga sfidat kryesore që nga fillimi i tranzicionit. Motivi kryesor ishte rritja e përgjegjshmërisë dhe përfshirja e komuniteteve lokale në planifikimin dhe menaxhimin e burimeve të tyre natyrore.

Me anë të strategjisë së re pyjore dhe ligjit për pyjet, Qeveria Shqiptare vendosi të njëjtte me ligj të tre format e pronësisë, shtetërore, komunale dhe atë private, si dhe t'u transferonte mbi 40% të tokave pyjore Njësive të Qeverisjes Vendore (NQV). Ky transferim, duke qenë një vendim politik, ka si objektiv të tijin kryesor decentralizimin e qeverisjes së pyjeve dhe kullotave, dhënien e përgjegjësisë komuniteteve rurale në menaxhimin e tyre për plotësimin më të mirë të nevojave të tyre, duke ndaluar kështu degradimin e mëtejshëm të burimeve natyrore dhe filluar rehabilitimin e tyre, nëpërmjet ndërhyrjeve miqësore ndaj mjedisit.

Proçesit të transferimit ju deshën rreth 13 vite që të realizohej dhe deri tani ka dhënë rezultate të mira në shumë komuna që kanë në pronësi të tyre toka pyjore. Kjo gjë çoi në decentralizimin dhe përmirësimin e menaxhimit të burimeve natyrore, shtimin e të ardhurave dhe në forcimin e kapaciteteve drejtuese të NJ.Q.V dhe të komunitetit. Gjithashtu, u minimizuan aktivitetet e paligjshme me pasoja negative mbi tokën, pyjet, kullotat, faunën, si dhe u eliminuan praktikat e gabuara të menaxhimit.

Апстракт

Од социјалистичкиот период до почетокот на транзицијата, Албанија наследи оштетени шуми од неодржливи и неадекватни практики на управување. Ова е како резултат на ниската свесност на јавноста за заштита на шумите. Луѓето често се однесуваат кон шумското земјиште како кон заедничка сопственост со отворен пристап, кое никој не го контролира и создадоа голем притисок врз нив.

Доколку се земе во превид оваа ситуација, најголемиот предизвик од почетокот на периодот на транзиција беше подготовката на нова правна рамка. Целта беше да се зголеми одговорноста и вклучувањето на локалните заедници во планирањето и во управувањето со природните ресурси.

Албанската влада во однос на новата стратегија на шуми и законот за шуми, одлучи законски да ги потврди трите вида на сопственост: државна, заедничка и приватна како и да префрли над 40% од шумската област на единицата за локално управување. Политичката одлука за префрлување на државните шуми и пасишта на единицата за локално управување, имаше за цел децентрализација на управувањето со шумите и пасиштата, давање одговорност на руралните заедници за управување со шумите и пасиштата со цел подобро да ги исполнат нивните барања, понатамошно запирање на деградацијата на природните ресурси и започнување со рехабилитација преку еколошки интервенции.

За реализацијата на овој процес на трансфер беа потребни околу 13 години и досега се покажаа добри резултати во општините во однос на шумската сопственост. Ова водеше до децентрализација и подобрување на управувањето со природните ресурси, зголемување приходи како и зајакнување на капацитетот на единицата за локално управување, изградба на капацитети и локални заедници. Исто така, нелегалните активности имаат негативно влијание врз земјата, шумите, пасиштата, минимизирање на фауната и елиминирање на погрешните практики на управување.

Introduction

Albania is located in the western part of the Balkan Peninsula, with a total land area of 28,748 square kilometers. About 70% of the country is mountainous and difficult to access. The average altitude is 708 m, twice that of Europe as a whole. Albania's total land area is divided into three main ecological zones: the coastal plain zone, the hilly transition sub-mountainous zone and the mountainous zone. The annual precipitation varies considerably from about 800 mm/year in the hills and over 2,000 mm/year in the coastal plains and in the mountain regions. There is a dry period in the summer in the Mediterranean part of the country. In most parts of the country, climatic and soil conditions are favorable for forest and pasture growth.

More than 60% of Albania's rural households own less than 0,8 ha of agriculture land. Agriculture is the leading sector of Albania's economy, however poverty occurs mainly in rural areas (rural population, 80% of poor live in rural areas). Albania has 316 communes and over 2800 villages. Each commune has an average population of 6500 people and on average 9 villages, where a portion of them (those in the hills and mountains) have forested areas.

In Albania, poverty reduction is a national objective and most projects or programs include objectives to reduce the nation's poverty. The GDP per capita is US\$ 1, 2 per day. Nearly two million people (58% of the total population) live in Albania's upland region, encompassing the hilly transition sub-mountainous and mountainous zones, which accounts for about 70% of the poor.

Forests and pastures in Albania

Albania is considered a country of abundant forests and pastures resources. All forests (public and private), the so-called Forest Fund of Albania, are grouped in 36 administrative units (or districts). The forest area of Albania (forests, shrubs, and open forests and/or shrub land) is 1,498,957 ha (Albania National Forest Inventory 2004), divided as follows (Table 1):

Tab.1. Forest inventory data

No	Categories	Surface (ha)	%
A	Total forest & forest land area	1,498,957	
1	High forests	294,957	19,68
1a	conifers	84,461	
1b	broadleaves	210,496	
2	Coppice	405,016	27,02
3	Shrubs	241,724	16,13
4	Open Forest	557,260	37,17
B	Pasture	480,777	

Albania is home to approximately 415 wood material processing small factories, which process an estimated 360.000 m³ of timber wood material every year. The annual consumption of fuel-wood per rural households has been estimated at 4.3 m³ per year. Based on this, the documented level of consumption per rural household is 1.6 million m³ of fuel-wood every year. Albania is also well known for the quality of non-wood forest products, such as medicinal plants, ether oil plants, tannin plants, etc. More than 7400 tons with a value of US\$ 10 million are being exported as average each year.

Over the last 60 years (communist and transition period) Albanian forestry has suffered significant changes. It has reduced its forest area with more than 300.000 ha and most forests have been depredated through over harvesting and over grazing. Forests degradation and erosion are the main problems in natural resource management.

The situation of the forest stock according to the ownership for the years 1934 and 1944 is given below (Muharremaj, V: Forests & Pasture, 2003):

Tab.2. Forest stock according to ownership, years 1934 and 1944

Category	1934 (000 / ha)	1944	
		(000 / ha)	(%)
Private Forest	63	63	5,6
State Forest	927	1050	93,0
Communal Forest	-	16	1,4
Total Forest area	990	1129	100,0

Forest Land	400	250	-
Total Forest Stock	1390	1379	-

Note: Forest is considered as an area of land where trees and shrubs cover more than 30 % of its surface.

The situation before and during 90's

During the former communist system, as part of the agrarian reform, all the forests and pasture areas, were nationalized and became state owned. Many forest areas were misused or converted to agricultural land, cultivated pastures or fruit-tree plantations, even on steep slopes. As a consequence of these misuse, it was followed by degradation and soil erosion. People often regarded forest land as common property with open access, controlled by no one. The result of this was over-cutting of forests, often exceeding 2-3 times the Annual Allowable Cut. This continued also during the period of transition to a market economy. Over a period of 40 years, due to huge harvested volumes of timber each year, the Albanian forests have had considerable changes in their structure and age classes.

In 1990 Albania went into the transition from a centralized system to a free market economy system. Especially, the first 10 years were very hard for the Albanian economy. During that time, the forestry sector suffered huge damages, especially in high forests. There was a great human pressure on forest resources (fire wood and grazing) that caused huge forest degradation. Parallel to it, investments in forest management dropped considerably comparing to the ones in mid 1980s.

So, we can point out that before and during 90-s there were:

- Massive damages and degradation of forests;
- Unsustainable harvesting;
- Reduction of biodiversity;
- Destructive human interventions on forest environment;
- Low public awareness on forest protection;

- Reduction of forest stock as a result of new opening lands (about 30% of forest area);
- Over – utilization of forest and pastures;
- Limited investments in carrying out silvicultural operations for afforestations and fire protection;
- Illegal logging during the last years;
- Over – grazing in forests, closed to urban area.

From that situation a question arises “Are the Albanian Forests as Unclaimed Property?”

While some others go further by saying: “The Property is “CRYING” for an Owner!”

Government decisions

Taking into consideration the above mentioned situation, the government has undertaken several reforms focusing more on the decentralization process and privatization of the economy. The preparation of the legal framework has been one of the main challenges since the beginning of the transition period. The main legal framework related with forestry and pasture sector developed from that period on includes:

So far we have:

- Developed a new forestry strategy;
- Improved legal framework;
- Re – organized forestry service.

In this context, through forestry strategy and law, the Albanian Government decided:

- ✓ To recognize by law three ownership types: state, communal and private;

- ✓ To transfer over 40% of the forest area to the Local Government Unit (LGU) (political decision – decentralization of the ownership)

Development of Forestry Legislation in Transition Period

- Law No. 7623, dated 13.10.1992 “On forests and forest police” abrogated by the Law No 9385 of 4.5.2005 on “Forest and Forest Service”;
- Law No. 7722, dated 15.6.1993 “On protection of natural medicinal, ether-oil and tannin plants”;
- Law No. 7875, dated 23.11.1994 “On protection of wildlife and hunting”;
- Law No. 7917, dated 13.4.1995 “On pastures and meadows” abrogated by the new Law on Pasture and Meadows;
- Law No. 7699, dated 21.04.1993 “On compensation in value or in land for construction of ex-owners of agricultural land, pastures, meadows, forest lands and forests”;
- Law No 8302, dated 12.3.1998 “On administration of income generated from forests and pastures under state ownership”;
- Law No. 8318, dated 01.04.1998 “On Lease of agricultural and forestry lands”;
- Law No. 8312, dated 26.3.1998 “On undistributed agricultural land”;
- Law No 8743 of 22.01.2001”On State Immovable Properties”;
- Law No 8744 of 22.01.2001”On the transfer of the state immovable properties to local government units (LGU)”, etc.;
- Law No 9385 of 4.5.2005 “On Forest and Forest Service”;
- Law No 9791 of 23.7.2007 on “Some additions and changes to the Law No 9385 of 4.5.2005 “On Forest and Forest Service”;

- Law No.9693, date 19.3.2007, “On the pasture fund”.

In the strategy approved by the government with the Decision of the Council of Ministers (DCM) No. 247, dated 23.04.2004 “*The strategy for the development of the forest and pasture sector in Albania*”, many actions have been determined in connection with the reform in forests sector from which we can mention as key actions:

For administrative reform

- A decision should be drafted and approved on the re-organization of the modern forest cadastre office on contemporary basis, which will document & update the forest resources not only as an area or volume, but also as value and ownership in all the levels of administration.
- The establishment of the administrations of protected areas and their training.
- Establishment of communal forest administration. Establishment in each commune of a small technical-administrative unit that will deal with the administration and management of forests and pastures given in use, subordinated directly from the commune, while the forestry service would have the right to control and to offer technical support.
- Organization of the forest extension service structure, especially for communal and private forestry.

For environmental improvement

- Encouragement and support of a sustainable management of forest and pasture resources.
- Planning and governing territories as a whole, through organizing, training, educating and raising the awareness of all actors.

- Drafting and implementing management plans of productive forests, communal forests, pastures, and private forests.
- Finding sponsors for the reforestation of non-regenerated areas within the high forests, finding sponsors for the afforestation of barren areas with pioneer species, in order to increase the carbon sequestration capacity from the territory of the country.
- Rehabilitation of the pastures with forage and wood plants, according to their scale of productivity.
- Encouragement of collective or individual initiatives, for the afforestation of abandoned land, especially the deforested ones, or ploughed pastures in the past (transformed into arable land).
- Encouragement of collective or individual initiatives that aim the reduction of the level of erosion, which stands broadly as a threat to the future of the mountainous communities, and damages heavily the water quality of the reservoirs of the irrigation infrastructure and pollutes the agricultural land of lowlands.
- Employment opportunities for the population living in the vicinities of forest and pastures areas through forest operations, wood industry and other environmental activities.

For implementation of market economy

- Stimulation of collective or individual initiatives, for the improvement of pastures' conditions.
- Increasing investments for the improvement of ecological and productive conditions of the pastures.
- Encouragement of initiatives that ensure alternative sources for heating and cooking in the rural areas, and of those that offer employment opportunities outside the forest and pasture sector.
- Calculation and encouragement of wood industry as a private activity, in those directions that the market economy permits, especially in the rural areas.

- Giving the forest land and degraded forests in a long term use (e.g. 30 years), with the aim of establishing hunting reserves and centers for wildlife breeding, or combining them both.
- Giving in long term use, and in perspective, under ownership of these areas, to the individuals and companies, either domestic or foreign ones.
- Identification of productive communal forests' capacities for fuel wood and construction material.

For training

- Issuing scientifically and legally based regulations for the treatment & management of communal forests.
- Developing programmes of extension services and capacity building, through the understanding of forest and pasture complex values; developing programs of awareness for actors and local communities and strengthening capacities of local authorities on forest and pasture management.
- Planning a certain fund (1500 ÷ 4500 US\$/year) to train the employees of the forest service, especially the personnel in charge of the extension service.
- Definition of carrying capacity of livestock of communal forests (300.000 ha) and organization of forest economies for grazing purposes and fodder production.

For legal improvement

- Continuation of institutional reform aiming to establish the most effective and suitable structures in the centre and field.
- Preparation of the status and regulation of extension service, defining duties, rights and responsibilities.
- Improvement of legal acts and by-laws for state forests and pastures.

- Preparation of the legal acts and by-laws for the use of private forests.
- Preparation of the new forest law as a synthesis of changes born after the decentralization of state property, emphasizing the right of control by the forest service over all the categories of ownership of forests and pastures.
- Preparation of the legal framework for the long term use, with the aim of future privatization.

The transfer process of forests and pastures.

The transfer of state forests and pastures to Local Government Units (LGU), being a political decision, has its own objectives.

So the main objectives of Communal Forest and Pastures Transfer to Communes are:

- To stop further degradation of natural resources and to start their rehabilitation through friendly environmental interventions;
- Change the attitudes of local communities and foresters toward sustainable management of communal forests and pastures;
- Decentralization of forest and pasture governance, participation of communities for the restoration of degraded forest and pastures and their sustainable management;
- Conceding responsibilities to rural communities on communal and pasture management for a better fulfillment of their needs and income generation;
- Improvement of policies and instruments for the participatory management of communal forests and pastures.

The transfer process of forests and pastures to Local Government Units (LGU) has nearly been accomplished, based on the Decision of the Council of Ministers (DCM), about 623256 ha forests and 140000 ha pastures have been transferred to LGU.

From these forests and pastures areas, only 71 communes are expecting to have management forest and pastures plans, while the rest of the 245 communes have already been given 487442 ha forests and 110541 ha pastures together with their management plans.

The preparation of the management plans for 71 communes will be soon accomplished because the needed administrative procedures have been carried out and at the same time the Natural Resources Development Project has supported this preparation. Some indicators showing achievements during 1996-2008 are presented below:

• Pastures in transfer process	316
• Forests in transfer process	2800
• Transferred Pastures	2054000
• Transferred Forest	487442 ha
• Recipient (inhabitants)	110541 ha
• No of Villages	135814 ha
• No of Communes	29459 ha

The transfer process was not easy because there were needed about 13 years to be realized. During the transfer process there have been noticed that the transfer of State Forests to Local Government Unit led to:

- decentralization of natural resource management;
- productivity enhancement and incomes derived by sustainable resource management;
- reduction of soil degradation;
- improvement of water management;
- conservation of biodiversity;
- strengthening public sector management of these resources;
- capacity building and strengthening of LGU and rural communities.

Thus, we can say that natural resources such as: agricultural land; forests and forest land; pastures & meadows; water (surface and ground); biodiversity (flora and fauna); landscape and human capital, have been used in a more *sustainable way* compared with the period of pre-transfer, because they have been minimal:

- erosion and pollution of agricultural land;
- illegal logging ;
- fires;
- overgrazing;
- over-utilization of non-wood forest products;
- illegal hunting (poaching);
- soil, forest, pasture and biodiversity degradation;
- wrong management practices.

Taking into consideration all the above mentioned achievements, we can say: “Albanian Communal Forests are a mechanism for forest sustainable management”

Without doubt, the main principles on Sustainable Management of Communal Forests have been born in mind during forest transfer, such as:

- participatory development aims to achieve “do with the community” instead of “do for the community”;
- focusing at people, and not at trees;
- forest and pasture management is done by internals, and not from externals;
- active participation of community members during the process of preparation and implementation of the management plan;
- conceding competencies and responsibilities to rural communities;
- training, capacity building and strengthening, etc. of rural communities.

Based on the figures of table 2, Albania has not inherited any tradition concerning the management of communal forests. Nevertheless, the concept of *communal forests* was imported from other countries and it started to be implemented at the end of 1995 and up to now it has given very good results in many communes having forestry property.

In Albania, management of communal forests and pastures has been carried out through Forests and Pastures Users' Associations (FPUA). The establishment of Forests and Pastures Users' Associations is the principal part of the transfer process. To be able to carry out the management of communal forests and pastures, all users of the communal forests and pastures in the communities are organized as members of the FPUA. The communal forests and pastures process supports the increasing of management level of forests and pastures by people. FPUA establishment and their statute is based on the Albanian Law for "Non-Governmental Organizations (NGOs)" (later changed to "Non-Profitable Organizations").

The members of FPUA are all users of the communal forests and pastures. The communal forests' and pastures' associations support increasing participation of farmers in the management of their forests and pastures, especially in mountainous areas in the North-East part of the country. Establishment of FPUA also ensures community participation in communal forests and pastures management. The associations, play a very important role in the implementation of the management plans at communal and village level, expressing opinions and ideas related to needed investments. FPUA organization and its functioning is still weak, and legally the main concern is around three bottlenecks:

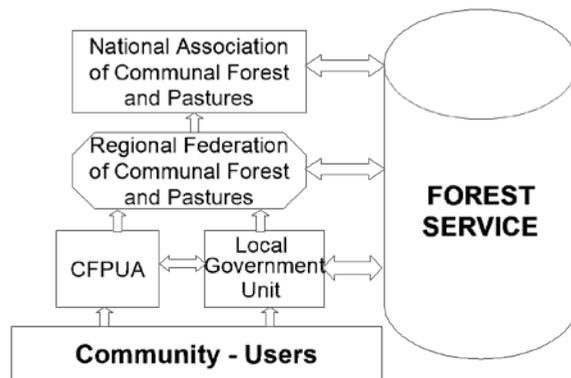
- Local people don't have enough knowledge of the statute of FPUA;
- Local communities think that FPUA are pointed either by the LGU authority or by District Forest Service (DFS);
- FPUA are not able to generate incomes.

Based on the existing experiences, Communes and FPUA are organized at regional level. Regional Communal Forests Federations are established to support the interests of their members, the communes and FPUA. There is a very interesting process as most of the Federations are thinking of having on board also the communes as a very important actor in the development of communal forestry.

The regional federation structures, give an opportunity to institutionalize communal forestry in Albania and give a countervailing power to the government structures. The Federations can build the capacities of FPUA and communes for sustainable management of their natural resources. Federations can address transparency and represent the interests of communities at higher level regarding communal forestry and pastures.

In 2004 the regional federations gathered and decided to be represented at national level in order to promote the interests of their members. In 2005 the National Association of Communal Forest and Pastures Users of Albania (NACFPA) was established with assistance from Netherlands Development Organization (SNV).

With the establishment of the NACFPA, representing the regional Federations at national level, the Federations are getting known at national level. With their available expertise and the support given by development organizations, they are working and functioning better.



Forest and Pastures User Associations and their relation with LGU and Forest Service

NACFPA and the federations in the regions are working on fulfilling their countervailing structure. They are providing increasingly support and services to their member organizations, the communes and FPUA (the actual managers of communal forests and pastures). They are fulfilling their representative role at national level and regional one, addressing the interest of their members.

Nowadays, NACFPA and the existing regional federations are playing an essential role on lobbying activities in order to improve forestry legal framework, asking to take into consideration the experience, interests and needs of local communities and FPUA. The government and other state institutions have already accepted their request to review and amend the forestry law. Despite of the achieved results, there is a lot of work to be done concerning some amendments to be taken for the good process of work.

Issues that should still be addressed:

- Legal framework for the transfer of forest and pasture in use/ownership of communes is not yet completed;
- Lack of clear and proper policies for land tenure and communal forest and pasture management;
- The current law is not focused on the main forestry issues such as ownership and use rights, decentralization and delegation of competencies;
- There is not an approved official methodology on the delineation of the natural resource boundaries for villages/communes;
- Forest Service is still keeping in a centralized way the management of forest and pasture resources as well as the incomes generated by those resources;
- Lack of users' rights to generate income based on communal forest and pasture activities;
- Lack of know-how and technology transfer.

Conclusions

The question is: to be optimist or pessimist? We are optimist, time will prove!

All these efforts are made to rehabilitate and stabilize forest and pasture resources. The main objective is: to increase ***responsibility and involvement of local communities*** in planning and managing their natural resources. Anyway, some recommendations must be taken into consideration:

- To complete the legal framework of the transfer of communal forests and pasture land to the ownership of LGU, as well as their sustainable management by local communities;
- To prepare policies that stimulate income generation from communal, village and individual forests and pastures, and proper ways of using incomes to make local communities benefit accordingly;
- Decentralization of decision-making processes for forestry tariffs at local government level;
- Forest Service should finally decide exactly the boundaries of the forest and pasture areas that will be transferred to village/communes and community's requests will be taken into consideration, etc.;
- The transfer process should follow all necessary steps, by involving community's participation in decision-making, as well as in the preparation and implementation of management plans;
- Establishing an effective extension service for communal forests and pastures.

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Sustainable municipal solid waste management in Macedonia

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Abstract

Modern way of leaving, technological processes and waste products from those processes have negative impact and influence upon environment. In Macedonia waste sector is one of the key sectors that have biggest environmental impact. Waste management in Macedonia is ineffective with technical, economical deficiencies, so the result from that kind of waste management is negative environmental impact. Inadequate waste management causes disposal of overall waste quantity and big costs for waste treatment. It prevent the usage of waste like secondary product that has unused material and energy potential.

Ineffective practices of waste management and treatment cause degradation of ecosystems, lack of natural recourses and potential risk for public health.

There are many reasons for inadequate waste treatment. Basic reason is that EU waste management practices and standards aren't completely transposed in our country. So in future in formulation of environmental policy waste management has to get important place. The goal of implementation of sustainable waste management is environmental protection and sustainable development from all aspects: social aspect, economic aspect and environmental.

Main topics in this article are municipal solid waste management in Macedonia, implementation of integral waste management concept and advantages of construction of modern landfills for municipal solid waste.

Abstrakt

Mënyra bashkëkohore e jetesës, proceset prodhuese dhe produktet finale kanë efekte dhe ndikim negativ mbi ambientin jetësor. Në Maqedoni, një nga fushat që kanë ndikim më të madh negativ është ajo e mbeturinave. Sistemi i menaxhimit të mbeturinave në Maqedoni dhe gjendja në këtë fushë mund të definohej si jo efektive me një seri disavantazhet teknike dhe ekonomike që rezultojnë me ndikim negativ në mjedisin jetësor dhe në shëndetin e njeriut . Menaxhimi joadekuat me ta rezulton në rritjen e kostove për trajtimin dhe asgjësimin e sasive të tepërta të mbeturinave dhe ndalon përdorimin e mbeturinave si lëndë materiale sekundare .Praktikat dhe procedurat joadekuate me menaxhimin e mbeturinave rezultojnë në degradim të ekosistemeve, humbjen e burimeve natyrore, si dhe paraqesin rreziqe potenciale për shëndetin e njeriut.

Arsyet për administrimin joadekuat të mbeturinave janë të shumta dhe komplekse.

Mangësia themelore e sistemit është ajo që në masë të madhe mbetet pas standardeve të përdorura në vendet e zhvilluara. Prandaj, në të ardhmen është e domosdoshme që sistemi i administrimit të mbeturinave të jetë pjesë e formulimit të politikave për mbrojtjen e mjedisit. Qëllimi i zbatimit të sistemit të menaxhimit të qëndrueshëm të mbeturinave është parasëgjithash për mbrojtjen e mjedisit jetësor dhe vendosjen e zhvillimit të qëndrueshëm në të gjitha aspektet: shoqëror, aspektin ekonomik dhe aspektin e mbrojtjes së mjedisit.

Në këtë punim fokusi është drejtuar drejt menaxhimit të mbeturinave të ngurta komunale në Maqedoni, pastaj zbatimit të sistemit të menaxhimit të qëndrueshëm të mbeturinave komunale të ngurta dhe ndërtimi i deponive moderne të mbeturinave të ngurta komunale.

Апстракт

Современиот начин на живеење, производните процеси и финалните производи имаат негативно влијание и ефекти врз животната средина. Во Македонија една од областите која има најголемо негативно влијание е отпадот. Системот за управување со отпадот во Република Македонија и состојбите во оваа област можат да се дефинираат како неефикасни со серија на технички и економски недостатоци, кои резултираат со негативно влијание врз животната средина и здравјето на луѓето. Неговото несоодветно управување резултира со зголемени трошоци за третирање и одлагање на прекумерни количества на отпад и го оневозможува искористувањето на отпадот како секундарна суровина. Несоодветните практики и постапки со отпадот и неговото управување резултираат со деградација на екосистемот, но и со загуба на природни ресурси, а воедно претставуваат и потенцијални ризици по здравјето на луѓето.

Причините за несоодветно управување со отпадот се бројни но и сложени. Основен недостаток на системот е што во голема мерка заостанува зад стандардите кои се применуваат во развиените земји. Затоа, во иднина неопходно е системот за управување со отпад да биде дел од формулацијата на политиката за заштита на животната средина. Целта на имплементација на системот за одржливо управување со отпадот е пред сè заштита на животната средина и воспоставување на одржлив развој од сите аспекти: социјален, економски аспект и од аспект на заштита на животната средина.

Во овој труд фокусот е насочен кон управувањето со комуналниот цврст отпад во Македонија, потоа имплементацијата на системот на одржливо управување со комуналниот цврст отпад и изградбата на модерни депонии за комунален цврст отпад.

Introduction

In this moment in Macedonia there isn't implemented an organized waste management system, and there are many unsanitary landfills, for example in Skopje there are more than 1000 unsanitary landfills. Existences of this kind of landfills cause negative impact first on environment than on public health.

Implementation of an integrated approach or sustainable waste management system will create an improved and upgrade waste management system, and rationally sustainably usage of natural recourses in future, via processes of reuse, recycle and utilization of materials/energy from waste fractions.

This approach means that waste isn't only source of pollution, but also potential recourse that can be used as secondary resource. Usage of waste fractions will gain economical development and other benefits.

Because disposal is the most recent way of municipal solid waste (MSW) management in our country, unnecessary is establishment principles of sanitary landfills and construction of modern landfills.

The construction of modern landfill is from economical and temporal aspect very beneficial solution. The quality of environment and environmental mediums will be improved; new job places are going to be created, so this will be beneficial from social, cultural aspect etc.

Future priority in municipal solid waste management is determination of regional concept for waste management, fixing problems with landfill locations, selection of adequate temporal landfill locations. Implementation of regional concept will be achievable solution so Macedonia will be one step closer to developed EU countries.

Generated Municipal solid waste in Macedonia

In Republic of Macedonia it is estimated that 570 000 tones of municipal solid waste are generated every year, and average per capita 250 – 315 kg are generated. For comparison each European citizen generated 460 kg municipal waste in 1995, but this amount rose to 520 kg per capita by 2004, and it is projected to a further increase to 680 kg per person by 2020.

Typical municipal solid waste (figure 1) consists of: 3,14 % ashes, 8 % paper and clipboard, 47,29 % biodegradable waste, 1,71 % glass and 21,29 % other types of waste. Municipal solid waste includes: household waste together with garbage from streets and yards, commercial waste and industrial waste similar to household waste. Household waste participates with a large percent in municipal solid waste.

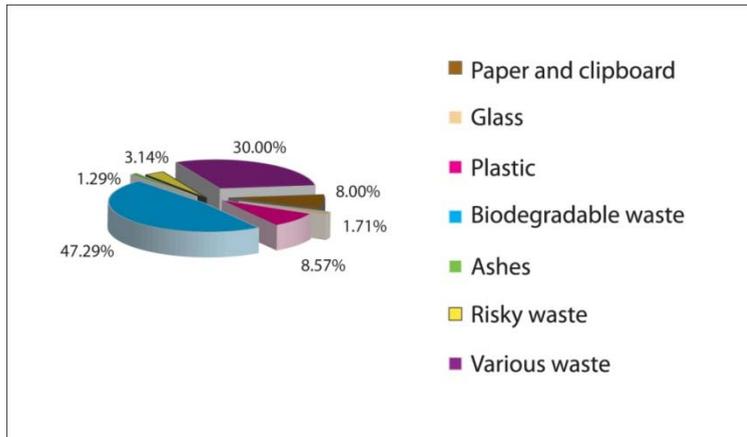


Figure 1. Municipal solid waste composition

Integrated waste management in EU

Integrated waste management, or IWM is a tool to determine the most energy – efficient, least-polluting ways to deal with the various components and items of a municipal solid waste stream.

The IWM hierarchy is based upon the material and energy that is embodied in solid waste. The twin goals of IWM are to:

- retain as much as possible of that energy and those materials in a useful state, and
- avoid realizing that energy or matter into the environment as a pollutant

The very highest option in the hierarchy is, don't create the solid waste in the first place, and is termed „source reduction“. Source reduction can be done in several ways:

- Manufacturing processes can be devised which create fewer or less toxic waste by-products;
- Consumers can choose not to purchase products with excessive packaging; or

- Consumers can choose not to purchase products which are unnecessary „luxuries“ which require unjustifiably large amounts of energy or natural resources to manufacture, or which cause toxic waste problems in manufacture, use or disposal.

The other higher level IWM options are:

- Reuse – the use of a product more than once in its same form for the same or similar purpose;
- Recycling – the process by which materials otherwise destined for disposal are collected, processed, remanufactured into the same or different product, and purchased as new products;
- Composting – the controlled process whereby organic materials are biologically broken down and converted into a stabilized humus material.

Materials retain their value for longer periods of time if they are handled within these „top four“ levels of the IWM hierarchy.

There are several ways to describe integrated waste management and its benefits such as:

- The economic value of recovered materials as re-usable products;
- The opportunity for simpler, more decentralized more labor-intensive solid waste management solutions which can create jobs in rural communities.
- Opportunities to intentionally create and recruit businesses and industries which use the waste streams of existing business as feedstocks. Such methods can be integrated into the strategies of local business development specialists and existing industry managers;
- The short-term and long-term economic value to rural communities of avoided land filling.

IWM provides a new approach to solid waste. It seeks to keep products, the materials and energy embodied in their manufacture, and the by-products of their manufacture, in the productive part of the economy and out of the waste stream as long as possible, and to wring as much economic value out

of them as possible before giving up on them as waste. When this is done, the following happens:

- Local and regional economies benefit by the continued exchange value of the reclaimed materials and products and the jobs created in reprocessing and reselling them;
- Private business often find these materials a cheaper source of raw materials than virgin sources;
- It often takes less energy to reprocess or re-manufacture these reclaimed materials than raw materials, so this increases the value of these materials to industry;
- National and global resource natural depletion is reduced, contributing to a more sustainable long – term economy;
- Local governments benefit through reduced cost of ultimate disposal of the materials, because many would-be waste materials and products are diverted from their landfills for an extended period of time;
- Pollution from landfills is reduced because many toxic or otherwise polluting materials are diverted from the landfills, and because the overall volume of land filled material is reduced.

Another valuable feature of IWM is that it applies to all solid waste situations, from the largest city or industry to commercial and office waste streams, right down to the individual households. This means that its positive impact can be understood and enjoyed by the whole community, not just by solid waste managers and planners. It also means that the economic impact of IWM can be felt by all economic sectors in the community.

Sustainable municipal solid waste management in Macedonia

According to Rio Declaration for sustainable development (UNCED, 1992), waste management is defined as formulation of one integrated concept for life cycle waste management.

In effect, the Declaration suggests an approach to waste management that incorporates environmental, social and economic perspectives into environmental policy, planning and practice. As Nilsson – Djerf and

McDougall (200) argue, for a waste management system to be a sustainable, it needs to be environmentally effective, economically affordable and socially acceptable. (Margaret Desmond, Municipal solid waste management in Ireland: assessing for sustainability, Department of Geography, University College Cork, page. 24.).

Basic principles of waste management

When it comes to waste management in Macedonia there have to be considered and recommended some key principles that are implemented in developed EU countries such as:

- The Sustainable development principle – Sustainable waste management means more effective utilization of natural resources, usage of alternative energy sources, minimization of waste generation, sustainable waste management etc. Aiming to ensure that we are able to meet the needs of the present, without compromising the ability of future generations to meet their own needs;
- The Waste management hierarchy (figure 2), Goal of this approach is waste reduction reuse recycle and energy recovery. Usage of waste as secondary recourse or renewable energy source. Disposal is last but irreplaceable option of waste treatment and is on the bottom of waste hierarchy.

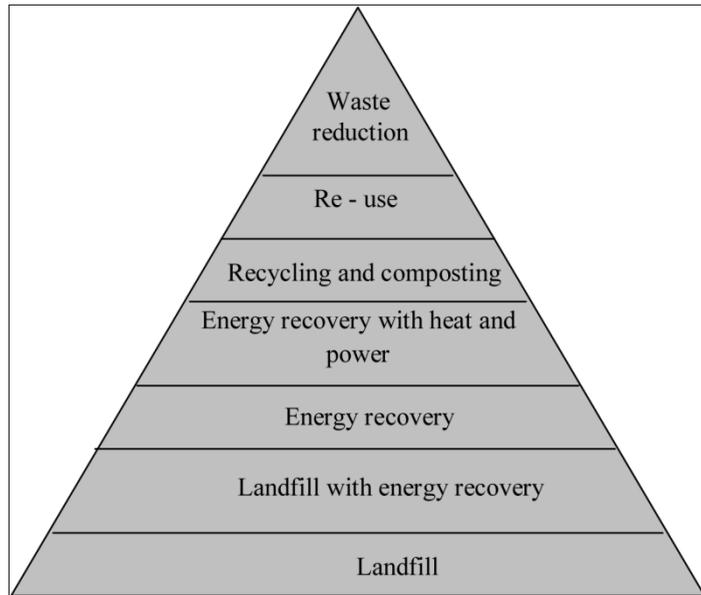


Figure 2. The waste management hierarchy

Reference: Jaspers, 2003, pp 3

- The proximity principle, this principle highlights a need to treat and/or dispose of wastes in reasonable proximity to their point of generation. The principle works to minimize the environmental impact and cost of waste transport;
- Regional self sufficiency – as with the proximity principle most waste should be treated and managed within the region in which it is generated provided there are no unacceptable adverse effects – on people, the environment or transportation systems. This principle may not be feasible or practical to treat certain wastes (special or hazardous wastes) close to its source of arising or within the region in which it is generated. Thus the relevant waste management practice should be selected;
- The Best Practicable Environmental Option (BPEO) – this is a key principle in pursuing greater sustainability in waste management. In the context of waste management planning, the options considered are specific combinations of methods for the

collection, transport, treatment and disposal of waste, including recycling and recovery;

- The development of integrated waste management facilities – integrated activities minimize the need for transportation. Their location and character is informed by the waste management hierarchy, the proximity principle and other waste principles. The benefits of this approach should be balanced by any cumulative negative impacts associated with the development, for example noise, traffic and other nuisance;
- A precautionary principle – this principle will help to avoid the potential damages of environmental and public health that can be caused by disposal of waste;
- The principle of best value – Employing the Best Value principles will ensure waste will be managed economically, efficiently and effectively;
- The polluter pays principle – which states that the waste generator should, where possible, bear all costs associated with waste management;
- The product stewardship principle which states that the producer or importer of a product should take all reasonable steps to minimize environmental harm from the production, use and disposal of the product;

Regional systems for municipal solid waste management

Regional concept and systems for municipal solid waste management are relation between state and municipalities. This is one decentralized system, where main part in waste management has the state and municipalities.

Macedonia can organize 8 regions for municipal solid waste disposal and management. One region has more than 200.000 citizens (Национална стратегија за управување со отпад 2008 година).

For implementation of this kind of systems it is unnecessary to create regional enterprises for waste management. Regional enterprises should have some obligations in implementation of this system, such as: waste collection, transport and disposal, evidence of disposed waste quantity and waste

classification, to operate with regional investments for upgrade waste management, management with life cycle and end life of landfills etc.

Financial costs and analyzes for construction of regional landfills

Financial costs for construction of regional landfill include 3 main components: purchase of 1,1 m³ dumpsters for waste collection, supply vehicles for waste transport, and costs for construction of regional landfill. It is estimated that all financial costs for these 3 components are 17.476.977 € (See table 1).

Table 1. Investments for waste management with regional concept implementation

Investment components	Cost (€)
Waste dumpsters	1.751.453
Vehicles for waste collection	3.685.000
Construction of regional landfill	12.040.524
Overall	17.476.977

These calculations include purchase of 2 Hectares land.

Reference: Регионален центар за животна средина, 2008, стр. 67

For successfully realization of sustainable system for municipal solid waste management and implementation of regional concept unnecessary is participation of all subjects that are key segments for efficiency of this concept, primarily households.

Household's participation in waste separation will enable more effective utilization of key principles in sustainable waste management: product stewardship principle, principle of separate waste collection. Municipal solid waste separation in individual household is with goal for achieving upgrade sustainable waste management, and to facilitate processes of recycle and re-use of useful materials. In adequate containers with adequate color (Official Gazette of RM, nr. 147/07), waste will be separated and collected as follows:

- *paper and clipboard in container with blue color;*
- *packaging waste in container with yellow color;*
- *biodegradable waste in container with brown color;*
- *industrial and commercial waste similar to household waste in container with green color;*
- *waste from parks and yards in black sacks;*

This kind of municipal solid waste management with household participation facilitates waste collection and waste disposal, job conditions are improved in all phases of waste management. Approach to useful recourses from waste fractions is also facilitated and most important for sustainable waste management is that quantity of waste disposed to landfills is reduced. For successfully implementation of this approach, participation and motivation of all citizens is unnecessary and rising of public awareness and awareness for protection of environment, because basic level of public awareness for environmental protection is very low.

Citizens don't have information's for benefits from waste management, utilization of energy and matter for other purposes and for benefits from implementation of regional concept. From this point of view it is very important public awareness to be raised so the main goal healthy and protected environment will be accomplished.

For implementation of strategy for sustainable waste management enforcement of capacities on economical, technical, institutionally level should be done, better relation between public and municipalities and local governments also should be accomplished and utilization of all resources that are unnecessary for implementation of this strategy.

Scheme of sanitary landfills for municipal solid waste

Modern landfills today are carefully engineered objects, which are located and projected according to state law regulations and standards. Sanitary landfills should be designed in way to protect environment from toxic materials that are present in municipal solid waste. So many new EU landfills that are design in compliance with modern standards have systems that are capturing landfill gas (methane) and then convert it in to energy.

There are four critical elements in a secure landfill: a bottom liner, a leachate collection system, a cover, and the natural hydrogeology setting. The natural setting can be selected to minimize the possibility of wastes escaping to groundwater beneath a landfill. The three other elements must be engineered. Each of these elements is critical to success.

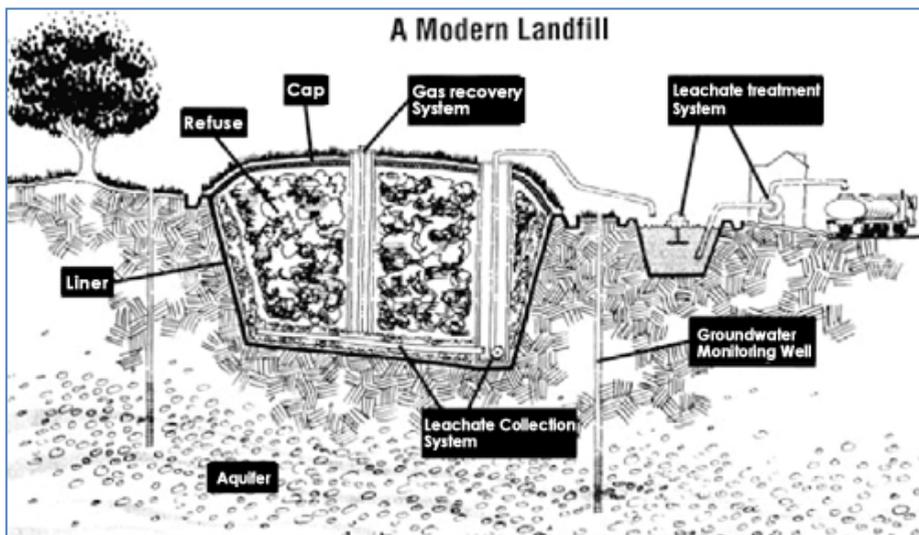
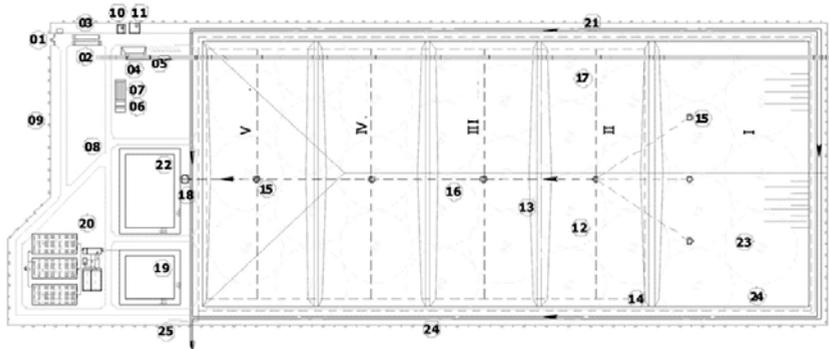


Figure3. Modern landfill

Reference: http://space-age-recycle-solutions.com/images/modern_landfill.gif

In this paper portrayal of modern landfill in Macedonian circumstances is represented

(figure 4) (PointPro Consulting, 2008:48).



*Figure 4. Schematic representation of regulated sanitary landfill for MSW
Reference: Регионален центар за животна средина, 2007, стр. 48*

- | | |
|--|--|
| 1. Entrance | 14. Cross shore |
| 2. Scales of measurement | 15. Accessible shore |
| 3. Device for cleaning tires | 16. Vent for leachate |
| 4. Administrative building | 17. Collecting tube for leachate |
| 5. Parking place | 18. Leachate drainage |
| 6. for mechanization and a workshop | 19. Vent for collecting rain water and filtrate |
| 7. Porch | 20. Pool for leachate collection |
| 8. Device for washing trucks and contain | 21. System for leachate treatment (with tape layers) |
| 9. Internal and service roads | 22. Main transfer of atmospheric water |
| 10. Fence | 23. Pool for atmospheric water |
| 11. Reservoir for water supply | 24. Vertical wells for methane extracting |
| 12. Tank fire | 25. Ring assembly pipeline |
| 13. Waste Charge | 26. Station for methane combustion |

To prevent or to minimize the environmental pollution, it is necessary to properly design the ground under the landfill, prior to begin disposal of MSW.

Improving the base of the landfill: Require a properly designed and constructed system of coating (figure 5), under the base to prevent any percolation of contaminants from waste in to the lower layers of soil and groundwater, and to allow controlled addition and removal of filtrate (leachate) from the landfill.



Figure 5. Base liner of modern landfill

- The proposed structure of the lining of the base of the landfill covers the following layers (Fig. 38):
- Geo textile layer (400 gr/m²);
- Layer of sand and gravel, with a thickness of 0,5 m (above the drainage system of the filtrate);
- Geo textile layer (1.200 gr/m²).

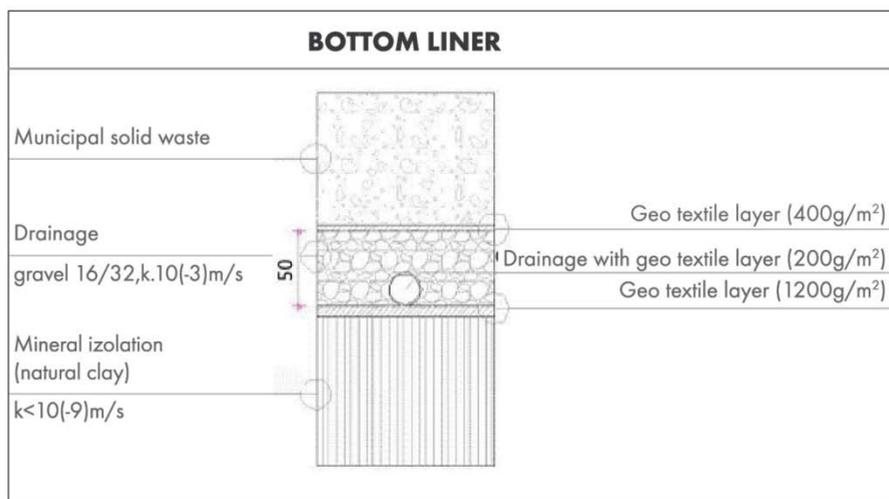


Figure 6. Structure of the bottom liner of the landfill

Reference: Регионален центар за животна средина, 2008, стр. 47

Under the given schematic representation of the landfill (Figure 4), is projected to collect filtrate in side drain pipe filter and then to discharge it in to the main pipe filter in the inner part of the landfill. Drainage pipe filters (perforated) are from HDPE material, resistant to aggressive fluid and such that can withstand the weight of waste and pipes should be covered with geo textile material. Collected filtrate is discharged into the pool (buffer tank for pre - treatment). There are several methods for the treatment of leachate, selection of adequate leachate treatment depends of climatic and topographic conditions of the region in which the landfill is located, the characteristics of soil and others. In Macedonian conditions the most suitable treatment is in existing plants for waste water treatment (classical biological technologies - aerobic or anaerobic treatment) technology with membrane filtration, treatment with activated charcoal absorption etc.

Methane treatment: beside the filtrate other by-product of disposed waste is landfill gas, which is a direct result of anaerobic decomposition of organic substances that are present in municipal solid waste. Landfill gas contains of methane and carbon dioxide in approximately equal proportion. Because of toxic and explosive characteristics of landfill gas, his emission in to the atmosphere should be followed and should be limited. Various methods can be used to assess the emission of methane from landfills in to the atmosphere.

Systems to control landfill gas emission can be passive and active, depending on the manner in which gas is released from the waste. The above schematic representation shows a system for active gasification with vertical valves / wells for collecting gas. Captured gas in vertical valves is transported in to a system for combustion of landfill gas, where gas is burned at temperature of about 800 - 1000 degrees Celsius.

Closure and rehabilitation of landfill: Modern EU and other standards for the construction of landfills for MSW and their use require each landfill to be properly closed (sealed) after the period of their use. Proposed layers for sealing the landfill are the following:

- Upper layer covering the soil with a thickness of 1 m, of which the upper 40 cm contain hummus;
- Geo textile layer (400 gr/m²);
- Drainage layer (sand and gravel), with a thickness of 0.5 m;
- A layer of clay in two layers of 2 x 0.25 m;
- Geo textile layer (400 gr/m²);
- Gas collection system, thick 0.5 m.

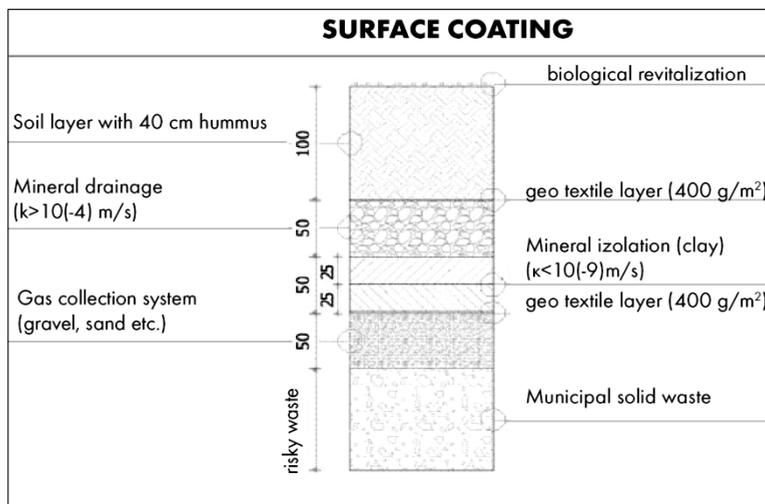


Figure 7. Structure of surface coating of the landfill

Reference: Регионален центар за животна средина, 2008, стр. 51

Protection of the ecosystems of sanitary landfills for municipal solid waste

The main goal of contemporary management of MSW is to reduce the amount of waste that is disposed to landfill. This objective is achieved by waste treatment, according to thermal, biological and sanitary processes (sanitary disposal).

The advantage of thermal processes is providing rapid stabilization of waste and maximum energy regeneration in a way that allows reducing quantities of waste approximately 8 times, destruction of organic matter. Modern sanitary landfills are resolving environmental problems that are present today with the installation of special geosintetic layers. When landfill is sealed it is unnecessary to monitor the landfill, and to perform properly its recultivation (Official Gazette of RM, nr. 156/07).

The next page shows the schematic representation of sanitary treatment of MSW.

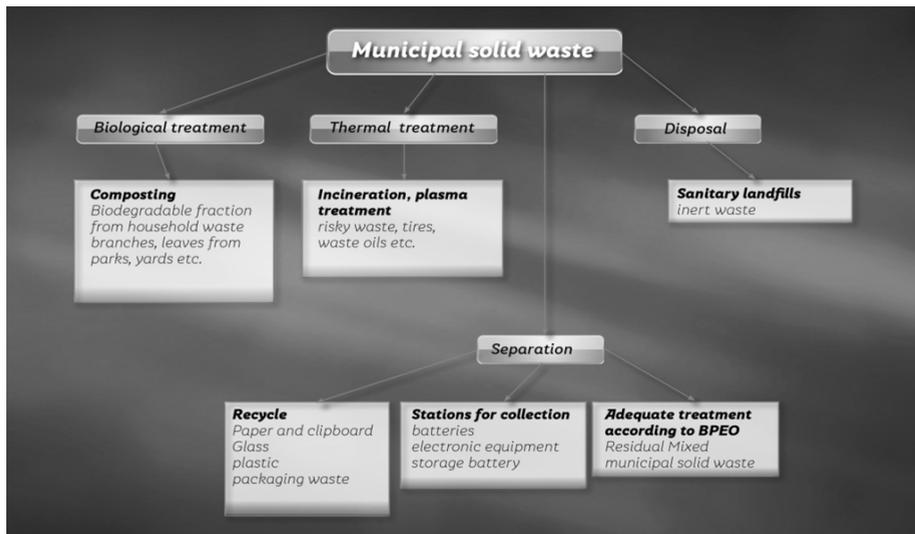


Figure 8. Schematic representation of sanitary treatment of MSW

Conclusion

The current situation with municipal solid waste management in Macedonia can be characterized as sub-standard, ineffective, with serious malfunctions in the socio-political sphere (public awareness, enforcement of laws and bylaws), resulting in chain-related adverse effects on the environment and human health.

Macedonia as country with low gross domestic product (GDP) annually produce a large amount of municipal solid waste and tends to increase this production every year, so the management of municipal solid waste should be imposed as urgently, to get the place in the entire system and environmental policy. Currently the most widespread form of treatment of this waste is the disposal.

Less effective treatment of waste means large quantities of generated waste and depletion of natural resources. *Resources are limited, to preserve for future generations they deserve to be used effectively.*

Exit from the current situation in the area of municipal solid waste management is implementation of sustainable municipal solid waste strategy.

By applying the system of sustainable waste management more benefits are possible, such as:

- Reducing the amount of delayed waste (which increases the capacity of landfills);
- Minimize its generation;
- Utilization of waste as a replacement of natural resources;
- Qualitative and quantitative reduction of waste in production processes, introducing environmentally clean manufacturing processes;
- Energy valorization of waste;
- If applicable in the future introduction of incinerators for mixed solid waste associated with specific users of energy and distribution network;

- Environmentally safe disposal, disposal only stabilized waste which does not degrade the environment;
- More efficient treatment of waste through enhanced use of the processes of recycling, composting, reuse, which are a pre - condition for successful management of municipal solid waste;
- Adequate economic policy in the field of waste management. The main focus will be that the municipal solid waste management is not only a kind of profit, but also is a way of saving natural resources and environmental protection;
- Raising environmental awareness among the population, i.e. the awareness of concern for the environment;
- Financial support for recycling through subsidies or environmental taxes;
- Possibility of introducing the ISO quality standards for municipal solid waste management and other types of waste;
- Organized landfills under the EU standards for modern landfills;
- Cleaner and healthier environment, by the construction of sanitary landfills for municipal solid waste, using modern materials;
- Full control and monitoring of the impact of landfill on the environment;
- Taking corrective and preventive measures if danger of jeopardizing the basic media is detected;

Management in accordance with basic principles for sustainable management of municipal solid waste will allow implementation of all goals and objectives set out in relevant strategic documents such as National Plan for Waste Management and National Strategy.

The combination of adequate treatment, rational use of funds and resources, the application of modern technologies in construction of modern landfills and vision are the basis for implementation of a sustainable system for municipal solid waste. Only with the correct combination a balance

between production, treatment and disposal of municipal solid waste will be achieved.

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11. Правилник за начинот и постапката за работа, следење и контрола на депонијата за време на работењето, следење и контрола на депонијата во фазата на затворање и натамошна грижа за депонијата по затворањето, како и начинот и условите за грижа на депониите откако тие ќе престанат да работат (“Сл. Весник на РМ“, бр. 156/07);

12. Правилник за општите правила за постапување со комуналниот и со другите видови неопасен отпад (“Сл. Весник на РМ” бр.147/07)
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Minors out of the parent care, under the care of social care institutions

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Abstract

The social phenomenon of juveniles deprived of the family environment on a temporary or permanent basis is frequently encountered in the Albanian reality during the history. After 90-s the political and social transformations reflected the physiognomy of the category of the juveniles out of the parental control as one of the most affected ones. The Albanian state has provided and implemented the social care system for this category of juveniles, as a legal and social solution for the protection of the personal interest of the juveniles in accordance with the international principle of the highest interest of the child.

In this study we will give the legal background of the social care system for the juveniles deprived of the family environment in the Albanian legislation, especially, the system of social care by the public and private social care institutions.

Briefly we will present the main standards of the social care services, as the basic indicators of a solid state system of social care and make evident some of the problems, encountered during the implementation. At last we will give relevant suggestions for the future improvement in terms of the standards of the social service support of meeting the needs and interests of juveniles out of the parental responsibility.

Abstrakt

Fenomeni shoqëror, ku të miturit përkohësisht, apo përgjithmonë janë të privuar nga mjedisi familjarë gjatë historisë shumë shpesh hasset në realitetin

shqiptarë. Pas viteve të '90-ta, transformimet politike dhe shoqërore kanë qenë faktorë më ndikues, që janë shprehur në fizionominë e kategorisë së të miturve pa përkujdesje prindërore. Shteti shqiptar, ka siguruar dhe zbatuar një sistem të përkujdesjes sociale për këtë kategori të të miturve, si formë e mbrojtjes së interesave personale të tyre në përputhje me parimet ndërkombëtare të interesit më të lartë për fëmijën.

Në këtë studim, do të ofrojmë një përmbajtje juridike të sistemit për përkujdesje sociale për të miturit e privuar nga mjedisi familjarë në legjislaturën shqiptare, posaçërisht në sistemin e përkujdesjes sociale në institucionet publike dhe private. Shkurtimisht, do t'i prezantojmë standardet kryesore të shërbimit të përkujdesjes sociale, si indikatorë kryesorë të sistemit të fortë shtetëror të përkujdesjes sociale dhe do t'i shpjegojmë disa probleme, me të cilët u ballafaquam gjatë zbatimit. Në fund, do të japim propozime relevante për përmirësime në të ardhmen, në drejtim të përkrahjes së standardeve për përkujdesje sociale për plotësimin e nevojave dhe interesave të të miturve pa përgjegjësi prindërore.

Апстракт

Општествениот феномен на малолетниците привремено или постојано лишени од семејната средина често се сретнува во албанската реалност во текот на историјата. По 90-ите политичките и општествените трансформации кои се одразуваат врз физиономијата на категоријата на малолетници без родителска грижа како едно од највлијателните. Албанската држава обезбеди и имплементираше систем за социјална грижа за оваа категорија на малолетници, како правно и социјално решение за заштита на личните интереси на малолетниците во согласност со меѓународните принципи од највисок интерес на детето.

Во оваа студија ние ќе дадеме правна содржина на системот за социјални грижи за малолетниците лишени од семејната средина во албанското законодавство, особено во системот за социјални грижи од јавните и приватните социјални институции. Накратко ќе ги презентираме главните стандарди на службата за социјални грижи, како главни индикатори на цврстиот систем на државата за социјалните грижи и ќе разјасниме некои проблеми со кои се соочивме во текот на имплементацијата. На крајот ќе дадеме релевантни предлози за идно подобрување во однос на поддршка на стандардите

за социјални грижи за исполнување на потребите и интересите на малолетниците кои се без родителска одговорност.

1. Introduction

Albania, a country in transition for over 18 years has experienced huge political, economic and social transformation. The efforts of the Albanian society to ensure economic growth and social development are accompanied by a number of challenges unknown before, including here the poverty, extreme unemployment, lack of the basic social services, including the education and health as well as a massive wave of emigration. This phenomenon is accompanied by inappropriate social services, which have influenced in the introduction of new social categories, risked or vulnerable persons, including here the category of the children out the care of the parents. The increased number of the children working or begging, children that have run away from Albania without being accompanied by their parents as well as children who are abandoned or left without parents care, temporarily left under the care of the relatives, require an immediate solution of the problems accompanying the entirety of the established relations.

The social care system for children out of the parental care is a system either formal or informal, with a number of different patterns such as adoption; care offered by a family, fiduciary care, institutional care of residential type, daily care offered in the centers of the children with social problems. Between the mentioned patters, the most wide spread ones are those of minors' care from their relatives (a model mainly informal but quite spread out especially in the mounting areas of the country) as well as the institutional care of the residential type attached to the public and private care institutions. In Albania, different from the other places, it is observed the existence of a social pressure on the relatives who take under care the children, if their parents have died or are handicapt to take care of them for any kind of reasons. This pressure derives even due to implementation of some traditional rules inherited generation after generation, rules which are more evident in the mounting areas, areas in which the patriarchal family continues to be powerful, but whose characteristics are found also in other areas of Albania. According to the traditional right, this family organized as a community of blood relations of male line or united in marriage, was under the power of a single person representing it and who was the head of the family. He had the obligation of alimentionation, clothing, marriage, etc. It was the right and obligation of the husband, mainly of the head of the family to

take care of the children when they remained without parents. In case of his death or his senior age, the family members had the right to choose the new head from the range of family men. Consequently, he was entitled to all rights related to the maintenance of the family members or administration of their assets. The family regulated these relationships inside it through the owner of the house. This tradition continues to have effect even nowadays.

Regarding the formal system, making reference to the official statistical records in 1994 it resulted that there were 600 children established in social care institutions. Out of these, about 400 were in state institutions subordinated to the Ministry of Labour and Social Affairs and Equal Opportunities, whereas the others were in private institutions run by NGO-s. The State Social Service estimates that in 2004 there were 1198 children deprived of the parent care, covered under the care of the formal system: 448 children were staying in public residential institutions whereas the remaining part was under the care of non-profit organizations (581 children in small residential or daily care institutions and 169 children in family houses). During this year, 54 children were adopted living with new families.

The records from the State Social Service for 2008 show that there is a light fall in the number of the children established in these institutions with 1086 children, out of which 581 children were staying in public residential institution (340 children in the orphanage in the age from 0 to 3, 3 to 6 and 6 to 14 respectively and 241 children in the residential development centers), while the remaining part were under the care of 17 non-profit organization. The 2008 marks a fall in the number of adoptions to 28 children, and a lack of adoptions of children with restricted ability or retarded mental development.

In comparison with other countries of the region, Albania has a small number of children living in residential institutions, but the phenomenon intends to increase, meanwhile the children categories have changed. In 1994 the number of the children under the residential care was about 400 and their majority was abandoned children since their birth and biological orphans. The records in 2004 or in 2008 show that the number of children in the residential care institutions is tripled compared to the year 1994 and the majority of the children are "social orphans" and "children with social problems".

The reasons of the increase in number of the "social orphans" is related to the changes that have occurred in Albania in the recent 19 years, changes that have had strong effects on the marriage and family solidarity. Poverty, immigration and inside movements of the population as well as the

exposition to roles and different social values, have weakened the family relations. The inadequate social support and discrimination against women in the field of employment is quite spread out, often making this phenomenon inevitable. These changes are reflected in the profile of the children under the care of the residencial institutions. Previously, their majority was the so-called “biological” orphans which mean that both parents have died. According to the researches made, it results that actually there are relatively few such orphans in the orphanage, partly because the relatives are taking care of them and partly of the adoptions. In fact, the majority of the children is “social” orphans. This term includes children born outside a marriage, mothers of which are not able to raise them, children abandoned from the parents and children taken under care upon a court order, because their parents are unable to take care of them permanently or temporarily.

2. The Albanian legal background of the social care sistem of the minors deprived of the family environment

The different international acts approved or ratified by the Albanian state, place special emphasis to protection of the rights of minors out of the parental control, due to the fact that this category is one of the most sensitive categories and the most exposed to violations and abuses. The right for special protection of the children deprived of the family environment derives from the provisions of article 20 parag 1 of the UN Convention on the Children Rights ratified by the Albanian state in 1992.

“A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State”.

This obligation is reflected in the Albanian Constitution, article 54 which guarantees the right of the children for special protection and declares that it is one of the social objectives of the state to ensure care and assistance to orphans (article 59). This protection is realized by taking into account the basic international principle, that of assurance of “The highest interest of the child”.

Besides the legal amendments in the Albanian Constitutions, Family Code, Labor Code, Civil Code and Code of the Civil Procedure, Criminal Code and Criminal Procedure Code, the legislation for social protection has undergone noticeable improvements. The law no. 9355, dated 10.3.2005 "On assistance and social services" and several other sub-legal acts which guarantee and develop further the children rights are approved.

Due to constitutional obligation, the Family Code of the year 2003 in its provisions thoroughly provides for the care institution which is established as a result of the specific situation created in relation to this category of minors, being out of the parental care and serves for the regulation of the relations, created and developed between the minor and his guardian, a relation, which has in its substance the observation and protection of the minor's right, not only those personal but also those of property. The guardian as a subject of this relation juridically replaces the parent of the minors because de jure he meets the parent obligation in relation to the minor and the third parties. In relation to the minor his obligations are related to the performance of all actions that will ensure and protect their personal rights (education alimentation health care, raising etc) from any kind of threat, an action which, due to limited ability or inability to act, the minor himself can not realize them alone. In relation to the third parties the obligation of the guardian consists in performing all juridical actions on account of or on behalf of the minor mainly for the protection of his property rights.

The article 265 and 267 of the Family Code provide that, when the legal conditions are met for placing a person under guardianship from the court, there are some optional alternatives, thus it can appoint as a guardian on basis of the concrete circumstances, a natural person which is chosen mainly from a range of the closest care persons, a foster family and finally a public or private institution.

Based on the principle of highest interest of the minor, the Albanian law-maker has purposefully determined a selection order of care forms, giving priority in the first place to the establishment of the minor under the care of one of his relatives and further, if impossible, to the application of other alternative forms of care such as that of the foster care and finally the establishment of a minor in a public and private care institution. The establishment at these care institutions is considered as a last alternative because, besides the great efforts, the minors established in these institutions often feel excluded or left aside from the society.

According to the studies, it results that a large number of cases of minors (“social orphans”) are returned to their families of origin after their staying for a certain period at a foster family or their relatives, meanwhile for the minors established in the most typical care institutions, the adoption process of the minors or the shift into a private life is more obvious.

When a child is placed under the care of an institution, this institution assumes to exercise the responsibilities of the guardian (article 271 of the Family Code 2003). Article 224 of the Family Code clarifies that in such cases the institution exercises the parents’ responsibilities, which are prescribed in article 3: responsibility for “raising, development, welfare, and education of the child. For their better performance, due to disadvantages mentioned, the Albanian law-maker has been careful in minimizing the negative consequences which may mainly come from the different way of living in these institutions and collective life. A full legal package defines the legal rules on the licencing and activity of the institutions that provide the care service and the state mechanisms of their control. However, we would not have a complete protection of the rights of minors established in these institutions if the Albanian state would not approve the standards of care service and the way of their implementation from the subjects licenced to provide this service.

Standards are the barometer of the service quality provided on the basis of the universal principles of the human rights such as: respect and guarantee of the values and personality of the individual, universality, equality of opportunities, the right to benefit, partnerity, transparency and impartiality, non-discrimination, decentralization, independence, social integration and envolment in the community life. It should be emphasized that since the moment of enactment of the new Family Code in 2003 up to 2010 there are missing the bylaws in which their way of application is defined.

Under the conditions of the development of private sector, NGOs of residential services, the immediate need raised for the state to establish some rules and standards on the service quality, which should be met by all service providers, public institutions, non-profit organizatinos (NGOs) and other private providers, standards which no doubt should be reviewed continuously because of the special nature of the subject to be provided with these services.

The law no. 9355, dated 10.3.2005 "On assistance and social services", article 17, provides for the decentralization of the social care service, transferring their administration, financing and control of the service performace from licenced subjects to local authorites. The standards enable

the local government bodies for a better administration of the residential services provided in the context of implementation of the decentralization policy for these services.

But, even though the public care institutions are decentralized and are under the administration of the local government, some of these functions (such as the decision making on establishment of these children in the residential institutions) continues to be performed by the State Social Service. In addition, different providers of the residential services for children, mainly private service providers, are uncertain of the way they should act when hosting a child in the center and which are the competences of the local authorities in relation to the private providers.

Although the national strategy for children during the period 2008-2013 and the decision of the Council of Ministers No. 659, dated 17.10.2005 “On the standards of the social care services for children in the residential institutions” place a special emphasis on the decentralization of these services, giving a primary role in the implementation of these services to the local government bodies, we should state that in practice, it is created a confusion of the rights and responsibilities that the local authorities, communes or municipalities have on the care residential institutions. The elimination of this confusion is a duty to be accomplished in the future from the Albanian law-makers.

3. Standards of the social care service for children in residential institutions

By virtue of the Order of the Minister of Labour, Social Matters and Equal Opportunities No. 830, dated 14.4.2008 “On implementation of the standards of the social care services for children in public and non-public residential institutions” it is defined that the standards of the social care services are as follows:

1. Declaration of the scope of the institution

Each care residential institution for children drafts a declaration of scope which provides for: 1. care philosophy, 2. purposes and 3 its objectives. It describes therein the way of institution organization, services provided, rules

and procedures of living in this institution, information of the staff and children, their obligations and rights etc. The declaration of scope is signed by the director of the service and the responsible structure for administration of the residential institution (State Social Service or the local government unit) and may be reviewed as many times as the social care institution increases its activity, but never exceeding the object of its licencing. It is important that this declaration is made public by showing it in visible places for all. From inspections made by the inspectors of SHSSH , after the entry into force of the relevant guide, it has resulted that the majority of the public or non-public institutions have met such a standard.

2. Care plan.

For every child it is drafted a care plan, which aims at fulfilling the needs of the children taking into account the age, sex, social situation of the origin, religious beliefs, race etc. The care plan includes first of all the child evaluation that is carried out by a professional interdisciplinary team. The care planning system contains: i) form of the required information; ii) report on needs evaluation; iii) care plan; iv) review of the care plan.

The guardian appointed for the minors is responsible for the implementation of this plan. Once in six months, a review of the care plan is made on basis of the data submitted by the guardian for the child and the family. The review intends for the plan to be more effective in the fulfillment of the minor needs. During the drafting of the care plan and its review, information and data should be collected on the minor even from other institutions (kinder garden, school, health services, NGOs, etc.) They are reflected in the care plan of the child and in its review form.

3. Plan of health needs. The provision of the child health is another priority duty to be implemented by the care institutions. Based on the evaluation of physical, emotional and mental child needs, a plan of health needs should be prepared.

The institution should hold the written documentation for all cures, treatments and primary health care provided to them during their stay in it. The guardian and the child establish relations with the authorized doctor, who gives them advices and instruction on the possible specific health needs.

This plan should be reviewed twice in a year as an integral part of the care plan.

4. Plan of education needs.

The care plan includes: personal plan for education in the early childhood, (PPAFH), personal plan for education (PPA). For children 0-6 years old, PPAFH includes the learning objectives of the early childhood such as the personal, emotional, social development, communication, language, writing, creation development etc. In cases when the child follows the pre-school education in day-care-center PPAFH includes the welfare of the children in these institutions. The personal plan for education of the children lays down in details all aspects of the child needs for education. The guardian or social worker of the child should take part in the implementation of this plan.

5. Provision and preparation of meals

Another duty of the guardian in the concrete case of the care institution derives from the right of the minor to be alimented. Its accomplishment in these institutions needs a close cooperation of the staff of the institution with the minors in order to ensure within their capacities more healthy food and in accordance with the child desires.

6. Fulfilment of the needs for clothing and personal effects

This standard derives from another duty of the child custodian, based on the right of the minor for clothing and personal effects. Children provided with residential care are encouraged to choose by themselves the clothes and necessary personal effects. Every institution within the planned budget, should discuss and talk with the children for their clothing needs as well as for the necessary personal effects.

If we refer to examples from the practice we should make a difference between the public and non-public institutions in implementation of this standard. From expertis made by the inspectors of SHSSH it results that non-public institutions pay more attention to the minor requirements regarding the clothing or their personal effects. These institutions have

infrastructure and more financial opportunities to afford various clothes and provide the personal effects of the minors. We may distinguish the SOS village. While in the public residential institutions there are shortcomings regarding the children clothes and in many cases it has resulted that the majority of the children is not provided with their personal effects. We can mention here the orphanage Zyber Hallulli in Tirana.

7. Leisure time and entertaining activities

The entertainment of the children in leisure time, organization of the different social cultural activities contributes to the general development of the child. In the child care institutions it is important to create and preserve a positive culture regarding the entertainment and the activities in the leisure time. The children are encouraged to involve themselves in the community activities in the area the institution is located, are supported in creating friendships outside or inside the institution through hosting appropriate friends for visits in the environment in which the child lives. This would help directly in the child integration in community.

8. Preparatory plan for removal of the child from the residential care

One of the duties of the guardian in the care institutions is the preparation of the minor toward other alternative forms of living, different from that of the care institution, such as the return in his family of origin because of the improvement of family conditions or adoption, independent living due to attaining the majority age etc. For the performance of this duty, the drafting and implementation of the preparatory plan for removal of the child from the institution is the obligation of the care institutions. In order to be effective it should be harmonized with the child care plan taking into consideration every restricted abilities or specific health records of the child. The child, the legal guardian and biological parent take part in every stage and aspect of the care plan drafting and implementation on the occasion of removal. From inspections made it results that non-public residential institutions have met these standards, meanwhile shortcomings are noticed in the public institutions. From an inspection made it resulted that three children were taken from their father during weekend and were not returned, without following any legal procedure.

9. Complaint

The children who are established in the care residential institutions, their families and relatives may complain for issues they are not satisfied with and think they are unfair, unsure and inopportune. The child custodian is included in all stages of the complaint process. All visitors, including the child parents, are free to follow the complaint procedures.

10. Security and protection of the children

The welfare and security of the child are the main directions defined in the national strategy for children which are guaranteed during all the time he is staying in the institution, this is due to the fact that the child may have experienced a certain form of mistreatment in the environment where he has lived before. The protection of the child relies on identification and fulfillment of the special needs, based on the evaluation of the entire child life, emotional, physical, educational, social, sex, religious, ethnical, cultural and lingual aspects.

Every child who has been involved in a mistreatment, as victim of mistreatment or as the abuser of others, should receive support, advices, and new behaviour models, in order to be helped facing these issues.

11. Location, model and dimension of the institution

In conformity with the declaration of scope, the residential institution for children should be ornamented, furnished and equipped in order to create a warm, pleasant, familiar environment, for children living therein, paying attention to the positive image and the variety related to the sex, ethnicity, culture, restricted ability and sexuality.

The institution should provide a supporting environment to fulfill the needs of every child for care, welfare, entertainment and intimacy.

12. Structure of the staff

The declaration of the scope shows the staff structure, how the responsibilities are defined, the selection process and its recruitment. This structure should be adequate so as to fulfill the special needs of the resident child at any time. It is important not only the quantity element but also that of quality of the recruited staff. It is very important that the staff be qualified in the relevant fields it acts in order not only to be closer to the child needs but also to reach by virtue of its abilities to fulfill them better.

4. Some overviews and suggestions for implementation of standards of the social care service in practice

From monitoring process carried out in the public or private residential structures licenced by SHSSH, in cooperation with the Adoption Committee and the association Amici dei bambini, related to the implementation of standards, it results that these institutions are not always able to provide a qualified staff which can understand properly the minor needs and further to determine the individual care plan. Unfortunately, we should state that in many cases it happens that the staff confuses the individual care plan for the minor with the plan of activities.

There have been found some shortcomings regarding the way of retention of documentation, missing documentation of the child identification. Many times it results a weak social work with the child and lack of good reflection of the work during his stay in the institution. There is lack of psycho-social evaluation of the child after his return from the family visit. There are shortcomings in the basic registry and its existence is not in conformity with the set standards. There are shortcomings in the register of the family visits in the institution. There are shortcomings in the description of the work and duties of the social workers. In some cases, there exists a lack of coordination between the director and the social worker.

Although, nowadays, there exists a legal package defining the care standards for the public and non-public residential institutions, clear rules for the way of their implementation as well as a periodical control from the responsible state structures, it is still necessary a wider involvement of the state to solve the problems arising in practice. The non-public care institutions often have shortcomings in social workers, psychotherapeutic

specialist or psychologist because of the insufficient funds. The state intervention, through putting at their disposal a specialist (state worker), no doubt contributes to the improvement of the care services in these institutions.

A problem encountered in practice is the fact that the institutions are not able to define whether or not the family situation constitutes a risk for the minor. Even if the institution may be able to identify the risk of the family situation, it is not determined with what legal responsibility the institution may prevent the parent from taking the child at any moment. The drafting of legal rules is necessary in such a situation.

Another problem is related to the case of the minor control when, after staying for a certain period in the institution, he returns to his family of origin. There is no structure following the progress of the child and fulfillment of his needs.

Given the mentioned cases we should emphasize that the state by means of its structures has still a lot to do in relation with the provision and protection of the rights of this vulnerable social category as one of the most sensitive categories of the Albanian society.

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Avoidances from the constitutional principle of the division of the powers

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Abstract

This article deals with the principle of the division of powers from the historical background, given the philosophical treatises from the ancient times (Aristotle) to all way through modern approaches of John Locke and Montesquieu. These doctrines and approaches influenced entirely the modernization of the constitutions and political systems established in Europe after French Revolution of 1789 and other revolutions of mid- XIX century. The Principle of the division of power during its implementation in times is ameliorated, transformed and even deformed. This article sees the way how this principle is applied mainly in Albania, given the historical framework and compared with other countries in view of several exceptions which are called as "avoidances" from the rule. The treatment of such avoidances is made predominantly theoretically taking into consideration factors such as what is the avoidance from the principle, at what extent this avoidance applies, what might be the possible deformations. Then the Article takes under review some well known examples borrowed by various Constitutions drawing the lines of comparison with Albanian Constitution. The examples of the avoidance depicted in the Article are those of normative acts issued by non legislative organs having law effect, the pardonact issued by the President of Republic of Albania and the amnesty law issued by the Parliament. There are also other examples to this effect which have not been subject to a detailed analysis.

Abstrakt

Në këtë artikull është bërë një trajtim teorik i parimit të ndarjes së pushteteve, nisur nga trajtimet e filozofëve të lashtësisë (Aristoteli), për të arritur në pikëpamjet filozofike moderne të John Locke dhe Montesquieu. Janë pikërisht këto pikëpamje që ndikuan drejtpërdrejt në modernizimin e Kushtetutave dhe të sistemeve politike të vendosura në Evropë pas Revolucionit borgjez francez të 1789 dhe revolucioneve të tjera të mesit të shekullit XIX në Evropë. Parimi i ndarjes së pushteteve, gjatë zbatimit të tij në praktikën e vendeve të ndryshme është shndërruar, përmirësuar, por edhe deformuar. Në këtë artikull është vërejtur mënyra se si është zbatuar ky parim, kryesisht në Shqipëri, parë në kuadrin historik dhe krahasuar me vende të tjera në këndvështrim të disa përjashtimeve të cilat janë quajtur “shmangie” nga parimi. Trajtimi i këtyre shmangieve nga parimi i ndarjes së pushtetit është bërë së pari në planin teorik duke vlerësuar: ç’është shmangia, në ç’masë dhe ç’raport me parimin duhet aplikuar, cilat mund të jenë deformimet që mund të sjellë në një sistem të caktuar etj. Më pas artikulli merr për trajtim disa shembuj shumë të njohur nga Kushtetuta të ndryshme, duke bërë krahasimin gjithmonë me Kushtetutën e RSH. Shembuj të shmangieve të marra për studim në artikull janë p.sh. aktet normative me fuqi ligjore të miratuara nga një organ jolegjislativ, instituti i faljes, ushtruar nga kreu i shtetit dhe instituti i amnistisë, si prerogativë sipas rastit e Kreut të shtetit apo parlamentit. Në artikull janë përmendur edhe shembuj të tjerë shmangiesh pa kaluar në një analizë të hollësishme të të gjitha rasteve.

Абстракт

Во оваа статија е направено теоретско разгледување на принципот на поделба на властите, тргнувајќи од разгледувањата на древните филозофи (Аристотел), за да дојдеме до современите филозофски принципи на Јохн Лоцке и Монтесљуиеу. Се токму тие принципи, кои непосредно влијаеле во модернизацијата на Уставите и политичките системи поставени во Европа по француската буржоаска Револуција во 1789 година, како и другите револуции од средината на XIX век во Европа. Принципот на поделба на властите, во текот на својата имплементација во праксата на разните земји е променет, подобрен, дури и деформиран. Во оваа статија е забележан начинот како е спроведен овој принцип, изразито во Албанија, разгледан во историската рамка и спроведувајќи го со другите земји, во поглед на

некои исклучоци, кои се наречени „избегнувања“ од принципот. Разгледувањето на овие избегнувања од принципот на поделба на власта, како првин, е направен на теоретски план, оценувајќи ги: што е избегнувањето, во каква мера и во каков однос со принципот треба да се аплицира, кои би можеле да бидат деформациите, што може да ги доведе еден одреден систем, итн. Потоа, во статијата се разгледуваат некои многу познати примери од разни Устави, правејќи споредба, секогаш со Уставот на Р.А. Примери на избегнувања, земени за проучување во статијата се, на пр. нормативните акти со законска сила, одобрени од незаконодавен орган, институтот за помилување, извршен од Претседателот на државата и институтот за амнестија, како прерогативи, според случајот, од Претседателот на државата или Собранието. Во статијата се наведени и други примери на избегнувања, без да се помине во детална анализа на сите случаи.

Introduction

The division of the powers is one of the basic and most important principles in the establishing and functioning of democracy or of a state with democratic characteristics.

The importance of this vital principle that I would name “**demometry**” or “the barometer of democracy” is denoted since the first establishments of state organizations in antiquity: Greek **polises**.

The Greek distinguished philosopher of antiquity, Aristotle, said: “Those who compile laws should not have connections with those who execute laws (judges) even with those that should respect them (politics and people)”.

Later philosophers who had an extraordinary key role in the consolidation of the concept of the division of power, not only from the philosophical aspect, but who also become promoters of changes of different models of the governance are John Locke and the Charles-Luis Montesquieu. The influence of John Locke’s philosophy was great in the prevalence of the parliamentary system model even in other countries, but this influence started to slow down with prevalence of the ideas of Montesquieu, who evaluates that “the modernization of power is guaranteed from its division into three branches - the legislative, executive and judiciary; even according to him, for the first time it is evaluated that judicial power has no political impact because judges should execute the law and not compile it. This

authority should be independent because the life and the honor of people depend on it. (Luan Omari, Sistemi parlamentar, Botimet Elena Gjika, Tiranë).

It is for sure that when these powers unite in one hand (in a single body), then the democracy is definitely menaced. Montesquieu asserts: “Everything would be lost if the same person or the same organ would perform the three authorities”.

But, the principle of division of powers is not confined only in the existence of three different organs, the legislative, executive and judiciary. We find this division even in the other forms of exercising of power, the conventional power and the assembly or even in the directorial power, which are based in another principle, in a complete antithesis with the principle of the division of power.

This is the principle of the unity of power, initially provided for in the Constitution of **Montanjar** (1793), which did not enter into force, but was tried during Jacobin’s dictatorship. It has got the name of the convention or conventional system, because this was the name of the French Assembly (Convention) as a representative body. Under the constitution of Montanjar, France would not have neither head of state nor government or directors of the executive-administrative body. The convention chose the councils where the most important were the Committee (the council) on Public Salvation, which had a one year mandate. He selected the ministers and performed the executive authority delegated from the Convention. (Kurtesh Saliu, E drejta Kushtetuese Pjesa I, Prishtinë 2004).

Of Course at the time of absolute monarchies and other authoritative systems, this principle is realized through performance of state functions by a single organ, the monarch, and in the above-mentioned form, as during the during Jacobin dictatorship in France, during all the life of Paris Commune, in the Swiss Constitution, in Soviet Constitutions (Union of Soviet Socialist Republics) as in constitutions of socialist countries.

On the other hand, it should be said that the concentration of authority in a single hand is the principle of totalitarian dictatorships, left, as is the case that was mentioned above, in all socialist countries after World War II under the example of Soviet Union, but even of the right ones (fascist dictatorships) in the XXth century Europe. (Franco’s dictatorship in Spain, Italian fascism, Dutch Nazism, etc.).

In contrast with this principle, the principle of division of powers is mainly expressed in a direct relationship between the three organs of state power that means mutual equality and independence (always relative), as well as a clear division of functions performed by each body, meaning non-interference of one body in the performance of functions of the other organs.

But, are there cases in practice that impose avoidance from this axiom, upon the condition that such avoidance does not violate functioning of democracy in a state? Yes, there are.

In the course of this reasoning, I shall analyze some examples of avoidance from this principle by authorities -- all known and used as mechanisms in many constitutions. Inter alia I would mention: normative acts with the power of law that are promulgated from non-legislative organs, the instrument of amnesty that is used by the head of state, an instrument in the hands of the legislative organ.

In order to analyze these examples, I would, of course, basically refer to the Constitution of Albania, but always in comparison with other Constitutions to see the way of the usage of these mechanisms even in the other states.

Normative acts issued by non legislative organs having law effect

The normative act with the power of law is provided for in Article 101 of the Constitution of the Republic of Albania as follows:

“The Council of Ministers, in case of exigency and urgency, can adopt, under its responsibility, normative acts that have the power of law for taking temporary measures.

These normative acts are sent immediately to the Assembly, which assembles within 5 days if it is not assembled. These acts lose their power since the beginning if they are not approved by the Assembly within 45 days”.

Starting from the principles of public law, the adoption of the normative act with the power of law from the Council of Ministers is considered an avoidance from the constitutional principle of the division of powers, sanctioned in the first part of the Constitution FONDAMENTAL PRINCIPLE, in its Article 7, providing as follows: *“the system of*

governance in the Republic of Albania is based in the division and balance between the legislative authorities, the executive and the judiciary.

Starting from the theory of the principle of the division of powers, it is for sure that the Constitution of the Republic of Albania guarantees the existence of different bodies for realizing these functions and specialized in performing different functions.

But, it is not only in Albania that there is no clear cut division of powers, or total equality between bodies performing legislative, executive and judiciary authorities, or total independence of these bodies.

This is a phenomenon noticed even in countries considered of having final division of powers or having a presidential system (the USA).

What is the avoidance from the constitutional principle of the division of powers”?

If, based on this principle, there are different bodies realizing different functions that are equal between them, not interfering in the activity of each other, thus being independent from one-another, avoidance would be considered the right that is given to one organ that theoretically is established and practically performs a specific function to perform even other functions which theoretically pertain and practically are performed by another body.

A brief history for the normative acts adopted from non-legislative bodies.

For this purpose I shall refer to the Constitution of SPRA (Socialist People’s Republic of Albania) of 1976 and Law “On Constitutional Provisions” no 7491, date 29.04.1991 with respective amendments.

The Constitution of 1976, in its Article 70, stipulates that the People’s Assembly, as the highest organ of state power, the holder of people’s sovereignty of the state and **the only legislative organ** (Article 66), assembles in ordinary sessions twice a year, and in extraordinary sessions

upon the decree of president, or with the request of 1/3 of the assembly members.

When the assembly is gathered under Article 67, when defining its important powers, the assembly, inter alia, “adopts and changes the constitution, decides over its compatibility with the constitution and makes its interpretation”.

Thus, the Assembly adopts laws submitted upon the initiation of the Presidium of the People’s Assembly, Council of Ministers and Assembly members while it is assembled – that it in its two ordinary sessions.

The Constitution defines the activity of highest organs of state power in the period between two sessions and names the authorities that compose the Presidium of the People’s Assembly which is considered as the head of the state starting from the role and the position given by this Constitution.

Article 78 of the Constitution attributes to the Presidium the right to make decrees and decision. Quote:

“... promulgates decrees and decisions; decrees with a normative character are represented for adoption in its future session”.

It is really important to notice that the organization of the Albanian state under the Constitution of the year 1976 even since the Congress of Përmeti, May 24, 1944, and affirmed in the first communist constitution of the year 1946, was based in the principle of margining of powers (or the system of the convention or assembly) which in itself accepts the exigency of different organs that perform mainly legislative, executive and judiciary functions, but the relationship of these bodies is based in the superiority of one organ, mainly against other organs.

Meanwhile, the Presidium of the People’s Assembly, in the judicial doctrine and in practice, was considered of performing functions of the head of the state, being thus a collegial, not a legislative body, in the position of the head of the state in Albania.

Political changes in the beginning of the 90’s in Albania dictated the necessity of changes even in the legal framework.

Law no 7491 “On main constitutional provisions”, composed the constitutional frame of the Republic of Albania until the adoption of the Constitution of 1998.

According to it: “Albania is a parliamentary republic” (Article 1) and “the fundamental principle of state organization is the division of legislative authority, executive and the judiciary one” (Article 3).

The People’s Assembly, in its main competences sanctioned in Article 16 of this Law “... adopts and changes the constitution and laws, decides definitely over the compatibility of the laws with the constitution and makes their interpretation...”

The legislative initiative under Article 23 pertains to the President of the Republic, Council of Ministers, every Member of Parliament and a group of 20.000 citizens with the right to vote.

The head of state is the President of the Republic elected by the People’s Assembly. (Article 5)

Article 28 of the law on main constitutional provisions stipulates the competences of the President of the Republic; inter alia, item 19 of this article provides for the right of the president to promulgate decrees with a normative character in urgent cases, submitted for adoption to the People’s Assembly at its nearest session.

If a comparison is made between the constitutional provisions of the Constitution of 1976 and law on main constitutional provisions, we shall see that the former provides for the adoption of normative acts and respective provisions of the law on main constitutional provisions contains no changes - - thus it is the Presidium of Assembly and the President of the Republic, organs defined as the head of state, that have the right to promulgate acts with the power of law, but with the limitation that these acts would be adopted by the Assembly in its nearest session.

Both these constitutional laws, as the Constitution of Socialist Republic of Albania, as Law “On main constitutional provisions” of 1991, do not define the limitations for the decrees with normative character in the view of the contents, the only limitation is the obligation that these decrees be represented for adoption in the nearest session of the Assembly.

As far as the Constitution of 1976 is concerned, it is more clear why the Presidium of the People’s Assembly promulgated decrees with normative character, as the activity of the Assembly was limited only with two sessions

a year, lasting up to three days each, and if we consider functioning of one of the highest organs of state authority we do not find a case of non-approval by the Assembly, of the government bills or decrees of the Presidium, which before being adopted formally in the Assembly were adopted before by party's directive bodies. Even in Article 3, the Constitution provided that:

"The Labor Party of Albania is the only political force leader of the state and society ..."

Stemming from the above, it can be said that the People's Assembly of that time had a formal role, and the Presidium of the Council of Ministers as a body with permanent activity had an effective role.

While in the case of President Decrees in the period of 1991-1998, year when the constitution of the Republic of Albania was adopted, we do not have the same excuse. The Assembly of Albania in this period is a body with a permanent activity, gathered all year round (except for the vacations in between the two sessions). But, nonetheless, we can consider this instrument in the hands of president as a step backwards, even if we consider that this provision of Law "On main constitutional provisions" is just inertia from the Constitution of the Republic of Albania of 1976. In a last analysis, the Presidium of People's Assembly, as head of the state, is a collegial body, while the President of the Republic is an individual body, and the possibility to use this instrument abusively is higher in the second case.

Especially due to this competence of the President over the period of 1991-1998, and the other broad competences the President is given, have made many scholars consider Albania as a Republic with a half presidential and less parliamentary republic character as it was predicted in the constitutional package law of 1991-1998.

The provision of the Constitution of the Republic of Albania of 1998 on this subject matter is different. It speaks of the approval of normative acts with the power of law by a non-legislative body. The changes first consist in the body exercising this activity (the Council of Ministers -- this is more comprehensive in the conditions of a Parliamentary Republic), then in the more detailed definition of the situations leading to undertaking of such an act (in case of necessity and urgency and for taking temporary measures) and lastly in establishing of limits clearly defined for the adoption of this act by the Assembly (these normative acts are sent immediately to the Assembly, which is gathered within 5 days, if it is not gathered. These acts lose their

power since the beginning if they are not approved by the Assembly within 45 days).

Article 101 of the Constitution permits the Council of Ministers to perform legislative activity of an immediate effect. This means that the normative act adopted by the Council of Ministers starts to give effects since its adoption, despite the fact that it is not yet approved by the Assembly.

Even the Constitution of Italy, in Articles 76 and 77, regulates the way of interference of government in the legislative function. This regulation is similar to Article 101 of our Constitution.

In its Article 76, the Constitution of Italian Republic evaluates that “performing of the legislative function could be delegated to the government ..., except for in specific cases and for a limited period of time”, whereas Article 77 treats more specifically the following issues:

...in extraordinary cases of necessity and urgency, the government, under its responsibility promulgates temporary acts with the power of law which in the same day should be represented to the two houses of parliament, which, if not gathered, should be gathered within 5 days. The decrees lose the power of the law since in the beginning if they are not adopted within 60 days after their publication...

What is noticed only from these two articles of the Italian Constitution is really interesting. The Constitution takes care to stress that performance of the legislative function is parliament’s competence (70 article: legislative function is performed in a collective manner from both houses) *Article 76* reconfirms this fact, then goes to exclusion cases, as can be considered the cases that are predicted in following article, article 77. But at the end, these three articles (article 70, article 76, but even the article 77 that deals with the legislative activity of the government in special cases) are part of the same section “compilation of the laws”, under the section title of “Parliament”.

In fact the Constitution of the Republic of Albania underlines the principle of the division of powers in the part speaking of fundamental principles, but its third part “Assembly”, its fourth part “Legislative process” do not mention this instrument and this “legislative” right of the Council of Ministers. Article 101 of the Constitution of Republic of Albania mentioned above is enumerated in the articles of the fifth part of the Constitution entitled “the Council of Ministers”.

The pardon

On the other hand the “pardon” can be considered as avoidance from the principle of the division of powers. Why? Precisely because of the fact that it is through pardon that the execution of a final court decision is shortened, replaced or suspended and this can be done by a body that is not part of the judiciary power. In this case it is a state body (not part of judiciary) deciding on a court judgment (a final judgment).

Pardon is considered as an institute by Article 70 of Law no 7895 dated 27/01/1995, as amended, in the Criminal Code of the Republic of Albania.

“By the act of pardon the responsible body excludes the person fully or partly from the sufferings of a sentence of a court judgment or replaces the sentence by a mild punishment”

Law no 6299, dated 27/03/ 1981 “On pardon”, by the responsible body means the Presidium of the National Assembly and attributes to it the authority “...to forgive either fully or partly or to replace a court judgment with a milder punishment for all kinds of criminal decisions and obligations given by a court’s judgment” (Article 1 - first section of this law).

The National Assembly Presidium constituted a collegial body and collectively performed the function of the Head of State.

In this period the right of pardon meant, *life pardon*, in the case of capital punishment as in participial or complete sentence, in the case of conviction or even the replacement of the sentence with another punishment. The *pardon of life* can be taken as a displacement of a punishment by another punishment, as the convict was not forgiven, but his/her final verdict was simply replaced by another verdict. For instance, in the case of capital punishment, if pardon was issued, the convict had to either suffer a life imprisonment term of 25 year imprisonment instead of the former.

This right, the right of forgiveness, with the political and constitutional changes of the 90s was transferred to the President of Republic. The Law of 1981 mentioned above, with minor amendments related to names, continues to be in force with the same content (Law no 7682, of 9/3/ 1993 “On some amendments in regulations”).

Pardon is an individual act even though the decree of amnesty can contain names of several persons subject to amnesty. Given that, only the President of the Republic has the right of giving an amnesty when he deems it reasonable. The act of amnesty can neither be appealed, not be revoked.

The possibility of amending the Law “On pardon” has been mentioned frequently over the last two years. These supposed changes consist on subjects and procedure changes and the way how these subjects can be addressed to the President of Republic, who accords the amnesty etc., but the only body that has the right of amnesty is the President of Republic at his capacity as the Head of State.

Indeed, the attribute of the right of pardon to the President of Republic is not an accident. If we take a quick look in the history of the Albanian State, we will find this institution in other Constitutions, even if our State is a Republic or Monarchy, with a Head of State, collegial or individual body. But if we go further in the history of the other states to find such information, still we should go far, in the history of ancient monarchies and empires.

The right of life is considered that comes from God “even God gives life to take it!” But, surely the capital punishment applied during the entire history of state institutions, from the primitive to modern ones, was an attribute of state, respectively of emperors and monarchs, at the time when powers of all forms were concentrated in the hands of an only person. In addition to capital punishment, the pardon of life as a sign of “divine justice and mercy”. Precisely this was again the right of monarch or emperor, who was considered as the messenger of God in earth. Here, we should remember technological theories on the origin of state that firstly were supported by the representatives of Christian belief and then were spread in medieval feudal society. These theories support the divine origin of state power. (Luan Omari, *Parime dhe Institucione të së drejtës publike*, Botimet Elena Gjika, Tiranë).

Seen in this regard, the big revolutionary changes of 18th century in France and then those of 19th century of the other part of Europe, which brought the collapse of Monarchies or their conversion from absolute Monarchies in Constitutional ones and this process had begun since English bourgeois revolution of 1640s, were reflected even in changes related to the right of pardon in question. As in the same way as before, the pardon remained the attribute of the Head of State, but we cannot speak anymore of the period of modern states for a right that comes from God, as certainly it is a right that derives from Constitution.

All modern Constitutions attribute the right of pardon to the Head of State. Article 87 of the Constitution of Italian Republic, through the powers of the President of Italian Republic, enumerates even the right of forgiveness. The Constitution of Kosovo Republic, Article 84/29 provides "... The President of Republic declares individual pardon in compliance with law..." (Luan Omari, Kushtetuta e Republikës së Kosovës në një vështrim krahasues, Botimet Dudaj, Tiranë, 2007). The Constitution of Macedonian Republic provides also the pardon powers of the President in Article 84. Related to this right of the President, the Constitution of the United States: the United States President has the right to postpone or forgive a sentence. In this case, the postponement of sentence mainly is related to the capital punishment that means not an immediate execution of the capital punishment. As we know, in United States, some of the states of the Federation but not all, apply the capital punishment. While in Europe, member states of the European Union do not apply the capital punishment, which conflicts with Article 1 of the Protocol No.6 of the European Convention of Human Rights.

Law no 7895, dated 27/01/1995 "Criminal Code of Albanian Republic", in its Article 29 "Major Penalties", provides even for the capital punishment. This provision, that is the capital punishment in peace time, is repealed as unconstitutional through the decision no 65 on 10/12/1999, of the Constitutional Court, which is inconsistent with the European Convention of Human Rights, as noted before.

In this meaning we should stress that "forgiveness" as well as the other instruments analyzed above to illustrate the avoidance of the principle of the division of powers, do not constitute an unconstitutional activity. They are legislated in real provisions of the Constitution, as is pointed above, and we cannot have a clearly cut separation of power, not allowing for meetings or division in the areas of the exercising of power by different state bodies.

The amnesty

The amnesty is also a mechanism used by legislative organs and in the meaning mentioned above, is treated as avoidance from the principle of the division of powers. What is amnesty? The amnesty is a law of the Parliament, even it is part of the legislation that according to the article 81 of the Constitution of Albanian Republic, is approved by a majority of 3/5 of all members of the Assembly, so by 84 votes. The institution of amnesty is provided as an institution of criminal law in Article 71 of the Criminal Code

of Albanian Republic. In previous criminal laws, the amnesty was regulated by a special law and it was not included in Criminal Code.

Precisely, Article 71 of the Criminal Code states that “... by the act of amnesty the responsible body excludes from the prosecution, fully or partly from the sufferings of the sentence or replaces the sentence with any other kind of a milder punishment. Now, we will continue with the reasoning of two cases, why amnesty constitutes avoidance from the principle of the divisions of powers.

Article 148 stipulates that the role of the Attorney as a body exercising prosecution and its organization and operation at the judiciary system. Also, the Constitution, in Article 135 defines that the judiciary power is exercised by courts (The Supreme Court, Courts of Appeal and Courts of First Instance). These principles are affirmed even by the Code of Criminal Procedures, whose provisions regulate prosecution, investigation, the trial of indictable offences as well as the execution of judiciary verdicts.

As we saw above, amnesty, even though not changing the Criminal legislation in terms of the specification of real indictable offences or their conviction, does not cause the annulment of criminal law and even the suspension of its action, cancels the criminal prosecution for the offences enumerated in this act (Shefqet Muci, E drejta Penale, Pjesa e Përgjithshme , Botimet Dudaj Universitare Tirana 2007) -- in this way amnesty is an act of the Assembly that conditions and intervenes in the activity of certain organs of the prosecution by Constitution and other legislation, imposing them a different decision making from the usual one.

For instance, proceedings for all the criminal offences enumerated as subject of amnesty are suspended no matter what the stage of investigation or judgment of such cases is. This procedure moment is also provided for by our Criminal Procedure Code in Article 290/ dh, containing reasons for suspending a criminal proceeding by the court.

An important element of amnesty is the fact that it is applied only for criminal offences committed up to one day before its issuance, except for cases when the law on amnesty provides otherwise, but this is of course an exclusion from the above-delineated general principle.

Amnesty is in general a prerogative of the lawmaking body, although there are cases that envisage this instrument as competence of the head of state. The Albanian constitutionalist Dhimo Dhima, in his work “The Constitutional Law of the People’s Republic of Albania”, sheds light on the

history of this institution in the Constitutions of Albania in the period from 1920 until 1939. According to him:

With the organic statute of Albania, the head of state was the highest ranking chief of civil administration ... the highest ranking chief of military administration ..., justice was issued on his behalf, and the right of amnesty and pardon belonged to him ... etc.

So, according to this Statute, the right of amnesty belonged to the head of state.

The same author writes in the same work:

“in the Statute of the Parliamentary Republic (1925 – my note), the right to amnesty, even though in the extended statute of Lushnja (1922 – my note), was not expressively mentioned, belonged to the Parliament, it became a prerogative of the head of the republic, as the parliament could not take an ex officio examination on amnesty, but this act should be proposed by the bailiff power”.

Stemming from this interpretation, we can come to the conclusion that according to the Statute of Lushnje, the right to amnesty belonged with the parliament as in the understanding of decision-making and initiative. The statute of the republic of three years later, although changing the form of regime from a monarchy into a republic, limits the parliament competency in regards to amnesty decision-making, so amnesty cannot be considered an exclusive competence of the parliament at this period of time. It is understandable that with the passing of the period of monarchy and approval of the Fundamental Statute of the Albanian Kingdom, the power of the King enlarges greatly vis-à-vis the power of the President in the period of the Republic.

Speaking of pardon and amnesty, the Statute reserves to the King, inter alia, the right of forgiveness, mitigation and change of final court judgments, and the right of suspense legal prosecutions for political forgiveness.

The Constitution of the Republic of Albania of 1946, and its amendments in 1950, did not provide for either the amnesty, or the competent body for exercising this right. Therefore, in practice, this right, together with forgiveness, was exercised by the Presidium of the People's Assembly.

Amnesty and pardon are moments when the state acts with its “soft and humane hand” for the ones violating law. From the viewpoint of the aim and purpose they accomplish, both amnesty and pardon can be considered as two similar institutions, but they have changes of a principle and legal character between them. Both, in case of pardon and amnesty it is concrete people benefiting from these acts, but changes are significant in regards to the content of the acts, and the form. Procedures and the body issuing the acts in most part of Constitutions of countries are different – pardon is given by the state head and amnesty by the lawmaking body/parliament.

Pardon is an individual act, although it is an act (decree) containing several names, whereas amnesty is an impersonal act. Amnesty mentions criminal offences, not persons committing such offences and benefiting from amnesty.

Another interpretation on similarities between the two institutions is related with considering of amnesty as general-character pardon (Shefqet Muçi, *E drejta Penale, Pjesa e Përgjithshme, Botimet Dudaj Universitare, Tiranë 2007*).

An important change between pardon and amnesty is related to the fact that “amnesty cannot be object of an objection by the persons benefiting from it in the sense of its effects, whereas pardon can be rejected by the persons to whom it is addressed, expressing their rejection to acceptance of the forgiveness” (Dhimo Dhima, *E Drejta Kushtetuese e Republikës Popullore të Shqipërisë*)

But, both these acts are not nullifiable and revocable.

These three types of avoidances from the principle of the division of powers – acts with the power of law approved by non-law-making bodies; pardon and amnesty are not the only cases of avoidance of the principle of the division of power. Other examples can also be found, when state bodies, among competencies deriving from the purpose they are established for, carry out competencies that do not derive from their basic functions, but from the constitution. Another case that could be analyzed would be the veto of the head of the state in the case of approval of laws, which, according to the case and historical periods, could have a veto or an absolute veto. Exercising from the head of the state of the task of the Chairman of National Security Council or General Commander of Armed Forces (which are executive functions) or the active participation of the legislative body (not only in Albania) in defining the composition of the High Court of Constitutional Court would be other examples to illustrate the fact that

despite consolidation of the principle of the division of powers in democratic countries or in countries aspiring for democracy, such avoidances exist, but they do not lead to important deviations or deformations of the system.

Conclusions

1. The division of power is one of the most important principles in functioning of a democratic state and society.
2. This Principle being quite old and applicable even in ancient times is workable throughout in almost all the countries. Even former socialist countries have already affirmed such principle in their own constitutions during these last twenty years.
3. The Principle of the dividing of powers doesn't mean simply the organization of Power divided in three branches: legislative, executive and judicial. Foremost this principle works based upon a fair relation among three branches which implies reciprocal equality and independence.
4. The constitutional practice remarks that it is impossible to have a strict separation of powers, which has led in placing of constitutional mechanisms that are considered as an avoidance of the principle.
5. The avoidance of the principle of dividing of powers means the exertion by one branch of the power which vests with another branch.
6. Although the avoidance of the principle makes an exception it is already a binding rule in the respective constitutions.
7. In the light of the above the avoidance of the principle doesn't constitute an activity which runs counter to the Constitution or Law, but simply a deviance from aforementioned principle.
8. The instances of the avoidance from the principle are contemplated in various constitutions because no constitution may offer a perfect and rigorous implementation of the principle of separation of powers.

9. The avoidance of the principle might be considered as a deviance from the rule until and only where it does not devalue the principle and cause the systemic political deformations grounded on such principle.

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