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## Foreword

Dear readers,

We have the honor to present to you the new issue of the scientific journal *SEEU Review*, Vol. 6. no. 2 which is also available on the following link <http://www.seeu.edu.mk/en/research/seeu-review>.

In this issue of *SEEU Review*, researchers from the University and region, present their work in the following fields: Law, Business and Economics, Contemporary Sciences and Technologies, Teaching and Languages.

The Editorial Board has made the selection based on work, that has scientific significance and that address current issues.

SEEU remains an open institution, having strong and developing links with other institutions, both in the region and further afield, and we continue to encourage researchers outside SEEU.

This issue also contains a new area: reviews of recently published books. Therefore in future issues, we invite academics in addition to their scientific work, to submit the reviews of published books, which contribute to the advancement of science in the region and beyond.

Finally, we wish to thank our staff for their commitment, dedication and professional work in publishing this issue. The Editorial Board thanks the authors and reviewers for their patience, good will and cooperation at every stage of the review process of the *SEEU Review*.

*Prof. Dr. Blerim Reka*

*Editor-in-Chief*



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## **Studies & Analysis**

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# The Protection of Academic Freedom

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## PART ONE – INTERNATIONAL AND THE EXAMPLE OF THE UK

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### **Abstract**

This article is the first of two offering a comparison between the legal protection of academic freedom in the United Kingdom and the Republic of Macedonia. In the first article, the general principles drawn from international practice are discussed, followed by a detailed examination of the present situation in the United Kingdom. The article identifies the lacunae in the law which supports the description of the United Kingdom's position in this area as 'the sick man of Europe.'

### **Abstrakt**

Ky është njëri nga dy punimet, që ofron një krahasim në mes të mbrojtjes ligjore të lirisë akademike në Mbretërinë e Bashkuar dhe në Republikën e Maqedonisë. Në punimin e parë, parimet e përgjithshme të nxjerra nga praktika ndërkombëtare janë diskutuar, ndjekur nga një ekzaminim i hollësishëm i situatës së tanishme në Mbretërinë e Bashkuar. Artikulli identifikon zbrazëtirën juridike që mbështet përshkrimin e pozitës së Mbretërisë së Bashkuar në këtë fushë si "i sëmundi i Evropës".

## Апстракт

Ова е првиот труд од двата во кои се споредува правната заштиата на академската слобода во Обединетото Кралство и во Република Македонија. Во првиот труд се дискутираат општите принципи изведени од меѓународната пракса, проследени со детални испитувања на тековната состојба во Обединетото Кралство. Во трудот се идентификува и празнината во Законот со кој се поддржува описот на позицијата на Обединетото Кралство за оваа област како „болниот на Европа“.

## Introduction

This article is the first of two which discuss the protection of academic freedom in two European countries: the United Kingdom and the Republic of Macedonia. In the first article, I will deal with the international protection of this essential feature of a modern democracy, and continue with a detailed picture of the situation in the United Kingdom. In the second article, I will compare the situation in the Republic of Macedonia. In the higher education sector, freedom of speech and expression are traditionally of fundamental importance since it is higher education institutions (HEIs) which provide a platform for different views to be expressed, for argument and debate, and for research to be carried out for its own sake. However, this is affected by a range of laws regulating how such freedom is to be exercised in a democratic state, particularly when information is recorded in some way, from a transient e-mail to a printed book, a musical recording, or a film. The interaction between ‘free speech’ and copyright is one example.

It is important first to isolate the concept of academic freedom from institutional autonomy. Both are well known in the Western world, and in other countries which have developed their higher education from Anglo-American or European models. Institutional autonomy (or ‘institutional academic freedom’)<sup>1</sup> developed from the medieval concept of the *studium generale* or *universitas*, a collection of guilds or faculties with special civil status and ecclesiastical protection. Individual academic freedom originated in the seventeenth century, notably in the German doctrines of *Lehrfreiheit*

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<sup>1</sup> See analysis of the concepts of academic freedom and institutional autonomy from a US perspective in W.A. Kaplin and B.A. Lee, *The Law of Higher Education* (4th ed 2006). The alternative description of ‘institutional autonomy’ as ‘institutional academic freedom’ derives from US case law to be discussed below. From the European perspective see T. Birtwistle, ‘Academic Freedom and Complacency: The Possible Effects if “Good Men Do Nothing”’ (2004) 16(4) *Education and the Law* 203–216. See also D. Palfreyman, ‘Is Academic Freedom under Threat in US and UK Higher Education?’ (2007) 19(1) *Education and the Law* 19–44; also as Item 23 at the Papers Page of the OxCHEPS website, D. Watson ‘Does Higher Education need a Hippocratic Oath?’, in (2007) *Higher Education Quarterly* 61(3) 362–374; T. Karran ‘Academic Freedom in Europe: A Preliminary Comparative Analysis’, (2007) *Higher Education Policy* 20 289–312; B. Doumani (2006) *Academic Freedom after September 11*; E. Gerstmann (2006), *Academic Freedom at the Dawn of a New Century: How Terrorism, Governments, and Culture Wars Impact Free Speech*; K. McGuinness (2002) *The Concept of Academic Freedom*, S. Bergan (2008) *Academic Freedom and Institutional Autonomy: impact on international students in Legal aspects of higher education in an international context: disputes, resolutions, methods and safeguards* T. Birtwistle (ed) *European Association for International Education*, Amsterdam, and earlier, M. Horn (1999) *Academic Freedom in Canada: A History*.

(professorial freedom to research and present findings) and Lernfreiheit (the freedom of learning accorded to the student) linking university autonomy, research, and academic freedom. It is ‘freedom for the members of the academic community—that is, teaching personnel, students and scholars—to follow their own scholarly enquiries and are thereby not dependent on political, philosophical or epistemological opinions or beliefs though their own opinions may lead them in this direction’.<sup>2</sup> As stated by Justice Frankfurter in the leading case in the US Supreme Court, *Sweezy v New Hampshire*,<sup>3</sup> ‘the four essential freedoms of a university [are] ... to determine for itself on academic grounds who may teach, what may be taught, how it should be taught, and who may be admitted to study’. In 1988 the two concepts were declared to be essential shared core values of the university community<sup>4</sup> for the ‘public good’ but they can also be seen as ‘baggage’ of old-fashioned higher education carried over into a fast-changing new world. Now the general view seems to be that we should try to preserve the older concepts while opening up to new realities.<sup>5</sup> Increasing ‘commercialization’ of higher education, of which for-profit higher education is the extreme case, arguably poses a threat to individual academic freedom outside the confines of the undergraduate classroom.<sup>6</sup> Just as it may be argued by its opponents

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<sup>2</sup> International Association of Universities (IAU), Report on The Feasibility and Desirability of an International Instrument on Academic Freedom and University Autonomy (1998).

<sup>3</sup> 354 US 234 (1957); also *Regents of the University of California v Bakke* 438 US 265 (1978) and *Widmar v Vincent* 454 US 263 (1981). It is argued by R. Standler, *Academic Freedom in the USA* (2000) <http://www.rbs2.com/afree.htm> that there is no constitutional right to academic freedom in the USA, derived from the First Amendment to the Constitution or otherwise, and by RH Hiers, ‘Institutional Academic Freedom: A Constitutional Misconception: Did *Grutter v Bollinger* Perpetuate the Confusion?’ (2004) 30(3) *Journal of College and University Law* 531–582 that ‘academic freedom is not so much a theory as an accident, or rather, the product of a series of accidents or unexplained incidents’. In the US non-HEI sector, the leading case is *Hazelwood School District v Kuhlmeier*, 484 U.S. 260 (1988) ‘It is only when the decision to censor ... student expression has no valid educational purpose that the First Amendment is so directly and sharply implicated as to require judicial intervention to protect students’ constitutional rights. (at 273).

<sup>4</sup> Emphasized in the *Magna Charta Universitatum* (Bologna, 1988).

<sup>5</sup> As seen in the *Glion Declaration* (Glion, Switzerland, 1998) referred to in D Van Damme, ‘Outlooks for the International Higher Education Community in Constructing the Global Knowledge Society’ *First Global Forum on International Quality Assurance, Accreditation and the Recognition of Qualifications in Higher Education* (UNESCO) (2002).

<sup>6</sup> The increasing ‘market orientation’ of universities may give rise to questions about the maintenance of academic standards which academic freedom protects, eg allegations of ‘soft marking’ gave rise to the unlawful dismissal of an Australian academic for, essentially, insubordination *NTEIU v University of Woollongong* [2001] FCA 1069. In England, *Bournemouth University HEC v Buckland* [2010] EWCA Civ 121 relates to

that globalization generally may be harmful to smaller states or to individuals, so the profit motive may overtake the traditional desire of academics freely to communicate knowledge without thought of reward.<sup>7</sup> It may pose a related threat, which is that HEIs may be keen to employ staff in relevant disciplines (for example, business, management, computing science) with potential to maximize profit for the HEI rather than to pursue research and scholarship for its own sake. Likewise staff may be forced into certain courses of action for commercial reasons.<sup>8</sup> Finally students may be persuaded to follow a particular train of thought, or be directed to a particular software product, directly or indirectly.<sup>9</sup>

Institutional autonomy is the degree of self-governance of an HEI, as defined by the law of its domicile, and consistent with public accountability, to exercise the Sweezy freedoms, plus the freedom to offer its services on the world market and increasingly HEIs are doing so. There is considerable literature on the contrasting concepts of higher education as a 'public good' and as a 'traded service' and resulting 'boundary objects'.<sup>10</sup> The impact of higher education law is in general terms felt more on institutional autonomy than on academic freedom, since the state has a legitimate interest in a range of issues: securing the economic interests of the state through labour planning, funding of public HEIs and student support, quality assurance, recognition and transferability of qualifications, and, in the era of increasing reliance on student fees by both public and private HEIs, consumer protection.<sup>11</sup> The state may if not de jure,<sup>12</sup> then de facto impose some controls on non-public HEIs by recognizing or refusing to recognize diplomas for public purposes ('attestation'). This is described by the leading Council of Europe expert Sjur Bergan (2008)<sup>13</sup> as 'the classical and perhaps

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what happens when alleged 'hard marking' leads to a review by the HEI and a subsequent successful claim for constructive dismissal when the 'hard marking' is overruled. As in the NTEIU case, U pleaded its concern for high academic standards.

<sup>7</sup> This and other related issues are discussed in D Marks, 'Academic Standards as Public Goods and Varieties of Free-Rider Behaviour' (2002) 10(2) *Education Economics* 145.

<sup>8</sup> In *Trimble v West Virginia* 549 SE 2d 294 (WV SCt 2001), the West Virginia Supreme Court upheld the right of a community college administration to order all faculty to use a particular software program to create course syllabi.

<sup>9</sup> This is less likely to be a problem since the European Commission required Microsoft to advertise access to a number of different internet browsers.

<sup>10</sup> See the discussion in L. Vlăsceanu, 'Coping with Uncertainties in Higher Education: the Clash between Academic Traditions, Markets and GATS' First Global Forum on International Quality Assurance, Accreditation and the Recognition of Qualifications in Higher Education (UNESCO) (2002).

<sup>11</sup> Consumer protection laws are sometimes used to close down 'degree mills' as was the fate of the on-line Monticello University in 2000.

<sup>12</sup> As in the new Law on Higher Education of Kosovo (2002).

<sup>13</sup> S. Bergan, n.1 above.

caricatural [sic] form of [the concepts of academic freedom and institutional autonomy] in which the state guarantees [them] by law and then steps back and leaves the scene to the academics, with one important exception. The state is still responsible for financing higher education.”

There is a wide variation internationally in the extent to which the two concepts are incorporated into public law<sup>14</sup> and to what extent they depend on convention, custom, or practice. They are found explicitly (reflecting the content of human rights treaties<sup>15</sup>) in some constitutions and laws of states emergent from the collapse of the European Communist bloc and which now embrace democratic values. An important question for HEIs and their members is to what extent laws, conventions, or practices may be used to restrict access to materials delivered over the Internet, discussed later. In other countries with a written constitution, commitment to freedom of thought and speech figures frequently, as these constitutions, particularly the newer ones, reflect the content of human rights treaties. Academic freedom and/or institutional autonomy may be mentioned specifically, either entrenched or qualified by law. In legal terms the two concepts are separate but related:<sup>16</sup> the various Declarations of the late twentieth and early twenty-first centuries (for example, Magna Charta,<sup>17</sup> Siena,<sup>18</sup> Lima,<sup>19</sup> Mexico<sup>20</sup>)

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<sup>14</sup> There is a significant difference between the common and civil law traditions: the UK has no constitution as such.

<sup>15</sup> Academic freedom is arguably not to be equated directly with freedom of speech which is the origin of these constitutional provisions. ‘Academic freedom draws on and distinguishes itself from freedom of speech, widely considered to be a general right. Academic freedom is a stronger right than anything that the general idea of freedom of speech connotes. But in another respect, academic freedom is more limiting than freedom of speech. Freedom of speech is available to everyone. Academic freedom is a privilege of certain academics and no-one is entitled to membership in that HEI.’ (R Dworkin, (2002) Monday Paper 21(2), University of Cape Town). So there is a balance to be drawn between the free exercise of academic freedom as a ‘public good’ and the accountability of the members of HEIs to ensure that it is not misused.

<sup>16</sup> See eg the development of the concept of academic freedom in the courts of the United States, in for example *Urofsky v Gilmore* 216 F.3d 401, (4th Cir. 2000); noting (at 414,415) that ‘cases that have referred to a First Amendment right of academic freedom have done so generally in terms of the institution, not the individual ...’ and ‘Significantly, the court has never recognized that professors possess a First Amendment right of academic freedom to determine for themselves the content of their courses and scholarship, despite opportunities to do so; . *Stronach v. Virginia State University*, civil action 3:07-CV-646-HEH (E. D. Va. Jan. 15, 2008).

<sup>17</sup> Magna Charta of European Universities (1988).

<sup>18</sup> Declaration of Rights and Duties Inherent in Academic Freedom (Siena, 1982).

<sup>19</sup> World University Service, Lima, Declaration on Academic Freedom and Autonomy of HEIs of Higher Education (1990).

<sup>20</sup> Mexico Declaration on Human Rights Education in Latin America and the Caribbean (Mexico City, 2001).

were responses to restrictions on academic freedom of individuals and autonomy of HEIs by governments, described in the preface to the Lima Declaration as ‘an alarming tendency to undermine, restrict or suppress academic freedom and autonomy of higher education’. ‘Many governments ...blocked the access of vulnerable and disenfranchised segments of their population to education through their acts or omissions’.<sup>21</sup> The 1997 UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel endorsed by the World Conference on Higher Education<sup>22</sup> includes ‘concern regarding the vulnerability of the academic community from untoward political pressures which could undermine academic freedom’.

HEIs have in various ways, principally but not exclusively related to protection of intellectual property, been given legal responsibilities which are difficult to exercise without infringing traditional concepts of academic freedom. If they are not carried out, however, the HEI or its staff may face heavy penalties, particularly in countries where a significant sector of business is involved in producing books, periodicals, and computer software. Much of this activity is now controlled by multinational corporations with significant global markets. The responsibilities exercisable by HEIs include policing access, regulating e-mail<sup>23</sup> and website creation, restricting downloading of music and video material, and generally preventing misuse of systems leading to defamation, harassment, hacking, or infection by viruses. Concentrating on teaching activity, restrictions imposed by HEIs in self-defence may take several forms including a requirement to submit teaching materials for approval (whether expressed as for quality assurance purposes or otherwise); restrictions on access to library materials or Internet sites deemed ‘unsuitable’ by the HEI; asserting control to an unacceptable degree over intellectual property (IP) rights in materials produced by academic staff otherwise than under a specific arrangement (and even here there is room for the ‘specific arrangement’ to fly in the face of academic freedom).

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<sup>21</sup> Human Rights World Watch Report (2002).

<sup>22</sup> World Declaration on Higher Education for the Twenty-First Century (1998), Vision and Action Article 2.

<sup>23</sup> In *Pichelmann v Madsen* (ED Wisc 2001), a court ruled that a student who worked as a clerk for the university could have words on her outgoing e-mail censored. The university considered a quote from Gloria Steinem in the student’s e-mail signature line (‘The truth will set you free, but first it will piss you off’) to be vulgar. The court upheld the demand for the student to remove the sentence.

The student equivalent of academic freedom for staff is free access to information but this is arguably an illusion. Traditionally, HEIs and staff selected the information to which students had access: recommending booklists, producing course readers, choosing which materials were placed on library shelves, restricting the free use of inter-library loan services. With the coming of the Internet, that control of information is severely attenuated<sup>24</sup> although paradoxically the free availability of information may be more restricted: students may be directed towards specified free on-line learning materials and may, through lack of time, be unlikely to range more widely to access on-line materials chargeable to individual users. All states apply some restrictions on institutional autonomy to the public or private HEIs of domicile. Thereby a state may restrict, or attempt to restrict through sanctions, free access to information which does not support its political aims. It may suppress academic discourse to an extent which even in the post-9/11 situation and now (in the UK) the post-7/7 situation closer to home and the general campaign against terrorism may be unacceptable to general world opinion.<sup>25</sup> HEIs may then in the exercise either of legal obligations or their own institutional autonomy restrict academic freedom of individuals, either by suppressing criticism<sup>26</sup> or by contract.

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<sup>24</sup> Not entirely, however. In *Urofsky v Gilmore* 216 F 3d 401 (4th Cir 1999) the idea of individual academic freedom was rejected by the US Court of Appeals. A Virginia law prohibits any use of state-owned computers to look at pornographic websites. Staff must receive permission from their 'supervisor' in order to research any potentially sexually explicit topics on their office computer as opposed to reading it in a library (cf the unsuccessful attempt at censorship of 'Mapplethorpe' in a university library by West Midlands Police in the UK in 1997).

<sup>25</sup> B Rajagopal, 'Academic Freedom as a Human Right' (2002) MIT Faculty Newsletter.

<sup>26</sup> In *Felsher v. Univ. of Evansville* 755 NE 2d 589 (Ind 2001) and *In re Baxter* (WD La 2001), lower courts have ordered disclosure of names of anonymous staff who created a website criticizing the administration, although it may be argued that such disclosure might have been ordered if the criticism had been expressed by more traditional routes.

## Legal Framework for Academic Freedom in the United Kingdom

[I]n terms of the health of academic freedom, the UK is clearly the sick man of Europe,<sup>27</sup> despite the efforts over the past decade, in particular by Birtwistle<sup>28</sup> to promote clarification of its protection by law. In the United Kingdom the direct protection of academic freedom by law is limited, although it manifests itself indirectly in a range of related legislation. It is also confused by different ‘freedoms’ being given different kinds of protection. By contrast to other countries with a written constitution (for example, Constitution of The Russian Federation, Article 29; First Amendment to the Constitution of the United States), the source of any right to academic freedom in employment is the contract of employment itself.<sup>29</sup> In England and Wales this incorporates provisions in the HEI’s statutes or governing instruments reflecting the wording of section 202(2)(a) Education Reform Act 1988 (ERA) in respect of redundancy, disciplinary, dismissal, involuntary ill-health retirement and grievance procedures: ‘the University Commissioners shall have regard to the need ...to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institution ...’<sup>30</sup> While this applied strictly only to the older (pre-1992) universities and colleges, and the Commissioners had no powers beyond amending statutes so as to bring academic staff of the then universities within the operation of the general law relating to employment<sup>31</sup>

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<sup>27</sup> T. Karran (2007) ‘Academic Freedom in Europe: A Preliminary Comparative Analysis’, Higher Education Policy 20 289-312; Karran continues: there is no constitutional protection for either freedom of speech or academic freedom, the law on academic freedom is designed to ensure ‘just cause’ for employment termination, the academic staff have only a minor input in the decision-making process, the Rector is an external appointment over which they have no rights, and academic tenure exists for only a few staff, who are dwindling in number as retirement beckons. Note also R. Barnett (1997) Higher Education: A Critical Business, p 53: ‘In such an environment academic freedom is not taken away; rather, the opportunities for its realisation are reduced’

<sup>28</sup> See references in n 1 above: Birtwistle has also written in the media.

<sup>29</sup> ECHR art 10 as incorporated into English law by the Human Rights Act 1998 is relevant but is in effect already reflected in the legislation.

<sup>30</sup> This was a concession made during the passage of the Education Reform Bill through the House of Lords and is known as the ‘Jenkins’ amendment after the late Lord Jenkins of Hillhead (Roy Jenkins) who moved it.

<sup>31</sup> No such provision was necessary in the case of the ‘public sector’ since the concept of tenure as understood in the universities was unknown in that sector. Academic freedom is protected in the Articles of Association of the new universities. Also see the Education

similar provisions appear in the instruments or government etc. of the other HEIs. It did not establish any general principle of academic freedom: it is ‘freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions’<sup>32</sup> (it can be argued that far from protecting academic freedom, the ERA provisions actually reduced it)<sup>33</sup>; It is reinforced in part by recommendation 7 in the Second Report of the Nolan Committee on Standards in Public Life (1996):

Institutions of higher and further education should make it clear that the institution permits staff to speak freely and without being subject to disciplinary sanctions or victimisation about academic standards and related matters, providing they do so lawfully, without malice, and in the public interest.

This begs the questions what is ‘lawful’ and what is ‘in the public interest’, a question partly answered by s 43(b) Public Interest Disclosure Act 1998.<sup>34</sup> If protection was enshrined in law then this limited permission to act freely would not be required.<sup>35</sup> *Rigg v University of Waikato*<sup>36</sup> lends support to the view that a member of academic staff can invoke academic freedom to criticize the HEI generally and not simply within the specific discipline, provided such criticism is ‘reasoned and fair’ and is expressed ‘with integrity, scholarship and a sense of responsibility’. The increasing use in the sector of actions for defamation in the English High Court has given rise to much concern over the limitations on academic freedom of expression. Today we must include potentially unlawful statements delivered in a variety of forms: spoken, written, faxed, e-mailed, put on the Internet (including blogs, Facebook, Twitter etc), and so on and that what is lawful in one jurisdiction may be unlawful in another. The Regulation of Investigatory Powers Act 2000 (RIPA) also impacts on freedom of speech. If a member of staff can, under the provisions of RIPA, have his/her speech or writing intercepted by the HEI for ‘business reasons’ there may be a reluctance to

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(No.2) Act 86 s 43 and the discussion in T. Birtwistle, n 1. The University Commissioners’ powers would have ceased at the end of three years from the day ERA s 202 came into force (29 July 1988) but were continued by various orders culminating in the Education (University Commissioners) Order 1995, SI 1995/604 made under ERA sch 11 para 3(2)(b). Although the Law Commission in its 17th Report on statute law reform proposed repeal of ERA ss 202–208 and sch 11 as the Commissioners were a ‘defunct body’, this was not adopted in the Statute Law (Repeals) Acts 2004 or 2008.

<sup>32</sup> Since ‘tenure’ was in effect abolished in 1988 (retrospectively to 20 November 1987) by ERA part IV, the former quite strong protection against dismissal in most pre-1992 universities is no longer available.

<sup>33</sup> See discussion in T. Karran (n. 1 above).

<sup>34</sup> *Darnton v University of Surrey* [2003] IRLR 133 is a case on the application of the Act in higher education.

<sup>35</sup> See T Birtwistle, n 1 for a critique of the legal protection of academic freedom in the UK.

<sup>36</sup> [1984] 1 NZLR 149.

engage in critical expression, even though some elements of free speech are also protected by whistle-blowing legislation.<sup>37</sup>

Section 32(2) Higher Education Act 2004 imposes a duty on the Director of Fair Access to promote academic freedom including, in particular, the freedom of HEIs to determine the contents of courses and the way they are taught, supervised or assessed, the criteria for the admission of studies and how these criteria are applied in particular cases. These provisions parallel the duties of the Funding Councils under the Further and Higher Education Act 1992 (FHEA) and the Further and Higher Education (Scotland) Act 1992 (FHESA) when imposing conditions on grants, etc. However s 32(2) (iii) HEA requires the Director of Fair Access to 'have regard to any guidance given to [him] by the Secretary of State'. As part of the section on academic freedom, this seems to sit out of context, as Birtwistle has pointed out.<sup>38</sup> In Scotland, 'fundable bodies', that is HEIs in receipt of funding from the Scottish Further and Higher Education Funding Council (SFHEFC), must 'have regard to the desirability' of (a) ensuring the academic freedom of persons engaged in teaching, or the provision of teaching, or research, at the HEI and (b) ensuring that the following matters are not adversely affected by the exercise of that person's academic freedom, namely the appointment held and any entitlements or privileges enjoyed by that person.<sup>39</sup> Academic freedom 'includes freedom (within the law)<sup>40</sup> to hold and express opinion, question and test established ideas and received wisdom and present controversial or unpopular points of view'. Again this does not establish any absolute right to academic freedom, since it only requires HEIs to 'have regard to the desirability of' ensuring that right. It is uncertain whether or to what extent the provisions of the Act are incorporated into individual contracts of employment as there is no express duty on the governing body to do so.<sup>9</sup> The right of freedom of expression granted by the ECHR was incorporated into UK law by HRA but such case law as there is coincides with s 202(2)(a) ERA, s 26 Further and Higher Education (Scotland) Act 2005(Act of the Scottish Parliament, ASP), or simply with

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<sup>37</sup> Public Interest Disclosure Act 1998.

<sup>38</sup> T Birtwistle, n 1 also points to the lack of reference to academic freedom during the debates on HEA and that there is no mention of s 32 in the Student Fees (Approved Plans) (England) Regulations 2004, SI 2004/2473.

<sup>39</sup> FHESA 2005 (ASP) s 27. This is reflected in, for example, the provisions in the Napier University constitution: the Napier University (Scotland) Order of Council 1993 Amendment Order of Council 2007, SSI 2007/160 which require the Court to exercise its functions etc 'in a manner which promotes academic freedom'.

<sup>40</sup> The Act contains the parentheses.

UK custom and practice.<sup>41</sup> ‘Freedom of expression’ is not confined to ‘freedom of speech’; ‘freedom of expression’ includes ‘freedom to pursue research’ and ‘freedom to publish’. ‘Academic freedom consists in the right to choose one’s own problem for investigation, to conduct research free from any outside control, and to teach one’s subject in the light of one’s own opinions.’<sup>42</sup> ‘Freedom to publish’ is particularly difficult since it brings into question the ownership of the IP rights in the written work of staff as employees—both in printed form and in more transient form – and it requires a clear set of regulations on legal responsibility for writings. Section 8 Export Controls Act 2002 recognizes that a ‘control order’ made under the Act might have adverse impact on ‘communication in the ordinary course of scientific research’ and so it ‘protects certain freedoms’ unless it is necessary to make an order. In England and Wales only, ‘freedom of speech within the law’ is protected generally by section 43(1) Education (No.2) Act 1986: ‘Every individual and body of persons concerned in the government of any [HEI] shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the [HEI] and for visiting speakers.’

The right of freedom of expression granted by the ECHR was incorporated into UK law by HRA but such case law as there is coincides with s 202(2)(a) ERA, s 26 Further and Higher Education (Scotland) Act 2005(Act of the Scottish Parliament, ASP), or simply with UK custom and practice.<sup>43</sup> ‘Freedom of expression’ is not confined to ‘freedom of speech’; ‘freedom of expression’ includes ‘freedom to pursue research’ and ‘freedom to publish’. ‘Academic freedom consists in the right to choose one’s own problem for investigation, to conduct research free from any outside control, and to teach one’s subject in the light of one’s own opinions.’<sup>44</sup> ‘Freedom to

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<sup>41</sup> Cases relate to the expression of certain political views in Turkey (eg *Baskaya v Turkey* ECHR 23536/ 94; *Okcuoglu v Turkey* ECHR 24408/94), the ‘Tolstoy’ libel trial in England (*Tolstoy-Miloslavsky v UK* ECHR 18139/1) and the ‘microwave ovens’ case in Switzerland (*HUH v Switzerland* ECHR 25181/94).

<sup>42</sup> M Polanyi, *The Logic of Liberty: Reflections and Rejoinders* (1951, reprinted 1998) 33, cited in G.R. Evans, ‘Why “Academic” Freedom of Speech?’ at <http://www.spr-consilio.com/essay.pdf> (2003); see also G.R. Evans, *Calling Academia to Account: Rights and Responsibilities* (1999), D Kennedy, *Academic Duty* (1997), Lord (Conrad) Russell, *Academic Freedom* (1993).

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The various statutory provisions including 'freedom.... within the law' relate to the accepted need within the concept of academic freedom for a balance to be struck between the individual's right to freedom of expression and the rights of others including the rights of the state.<sup>45</sup> Where such a balance should be struck in the higher education setting is a difficult question which has arguably not received a complete or convincing answer, since many statutes dating from the still-valid Treason Act 1351 to the present day impose some restrictions. Study of English statutory law<sup>46</sup> suggests that possible areas of direct application include treason and treason felony,<sup>47</sup> incitement to racial hatred,<sup>48</sup> unlawful discriminatory acts,<sup>49</sup> offences against public order,<sup>50</sup> incitement to commit certain statutory offences including misuse of drugs,<sup>51</sup> indecency with children,<sup>52</sup> incitement

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*and Responsibilities* (1999), D Kennedy, *Academic Duty* (1997), Lord (Conrad) Russell, *Academic Freedom* (1993).

<sup>45</sup> R v Secretary of State for the Home Department ex p McQuillan [1995] 4 All ER 400 at 401.

<sup>46</sup> There are some differences in Scotland and Northern Ireland but the picture is broadly the same.

<sup>47</sup> Those parts of the Treason Acts 1351–1795 and Treason Felony Act 1848 still in force.

<sup>48</sup> Public Order Act 1986; Racial and Religious Hatred Act 2006 (passed after various attempts since 2001 and amid some controversy); Equality Acts 2006-10.

<sup>49</sup> For example, as found now in the Equality Act 2010 and possibly in breach of an HEI's obligations under the Race Relations (Amendment) Act 2000 to promote good relations between people of different racial groups.

<sup>50</sup> Public Order Acts 1936 and 1963, as amended. The common law offence of blasphemy was abolished by the Criminal Justice and Immigration Act 2008, older laws having been repealed by the Statute Law (Repeals) Act 1969.

<sup>51</sup> Misuse of Drugs Act 1971, as amended mainly by Statutory Instrument, principally in relation to new drugs and classes of drugs.

<sup>52</sup> Originally the Indecency with Children Act 1960 (substantially amended) ;then the Protection of Children Act 1978, Criminal Justice and Public Order Act 1994, Sexual

to mutiny and disaffection,<sup>53</sup> harassment,<sup>54</sup> breaking up public meetings,<sup>55</sup> the offences created by the Terrorism Act 2000 (TA), the Anti-Terrorism, Crime and Security Act 2001 (ATCSA)<sup>56</sup> as amended by the Prevention of Terrorism Act 2005,<sup>57</sup> the Terrorism Act 2006 and the Counter-Terrorism Act 2008,<sup>58</sup> together with the various statutes relating to the use of electronic communications. ‘The law’ probably includes European law (as part of domestic law) and international law (so far as incorporated into domestic law.) It might be interpreted by HEIs as allowing them to impose private law restrictions such as those contained in a research contract prohibiting publication of research results without a sponsor’s consent,<sup>59</sup> but this is untested. Section 1 Terrorism Act 2006 applies to a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission, preparation or instigation of acts of terrorism or Convention offences. In the 2010 version of its Financial Memorandum,<sup>60</sup> the Higher Education Funding Council for England (HEFCE), as principal regulator for HEIs which are exempt charities<sup>61</sup>, requires them to report

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Offences Act 2003 and in Scotland the Sexual Offences (Scotland) Act 2009 (ASP); in Northern Ireland the Sexual Offences (Northern Ireland) Order 2008, SI 2008/1769.

<sup>53</sup> The original Incitement to Mutiny Act 1797, one of three Acts passed as a result of the mutinies in the fleet at Spithead and the Nore between April and June 1797, was repealed by the Statute Law (Repeals) Act 1998. The other two had been repealed earlier. It appears that the Incitement to Disaffection Act 1934, which remains in force, provides adequate protection for the military.

<sup>54</sup> Prevention from Harassment Act 1997; Equality Act 2010.

<sup>55</sup> Public Meeting Act 1908 s 1, as amended, notably by the Public Order Acts 1936 and 1963; political meetings are governed by separate legislation (Representation of the People Acts 1949 and 1983); the 1908 Act was repealed for Northern Ireland by the Public Order Act (Northern Ireland) 1951.

<sup>56</sup> The anti-terrorist legislation imposes certain other controls on institutional autonomy relating to the storage and use of materials of potential use to terrorists.

<sup>57</sup> Introducing control orders: continued in force annually: see Prevention of Terrorism (Continuation in Force of Sections 1 to 9) Order 2010, SI 2010/645.

<sup>58</sup> Australia has taken a robust approach to the issues around terrorism. The offence of sedition created in s.80.2 of the Commonwealth of Australia’s Criminal Code is similar to the offences created in TA and its successors. This, along with other laws and policies which potentially affect academic freedom, is discussed in E MacDonald and G Williams ‘Banned books and seditious speech: Anti-Terrorism laws and other threats to academic freedom’ (2007) 12(1) *Australia and New Zealand Journal of Law & Education* 29-46.

<sup>59</sup> As might be envisaged in some types of agreement made following the Lambert Review of HEI– commercial collaboration, <http://www.innovation.gov.uk/lambertagreements/>, accessed 1 October 2010.

<sup>60</sup> Appendix H, paragraph 10. [www.hefce.ac.uk](http://www.hefce.ac.uk) accessed 1 October 2010.

<sup>61</sup> Most HEIs are exempt charities. Those HEIs which are not (predominantly non-university HEIs) are regulated directly by the Charity Commission and subject to the same reporting requirement.

‘known or alleged links (other than for bona fide academic reasons) with proscribed organizations or terrorism; this applies to trustees, staff, students or anyone else associated with the HEI. ‘Trustees’ refers to members of the governing body, which implies that an HEI has a duty to monitor the activities of people who give unremunerated service to it. This new provision, introduced under charity law,<sup>62</sup> could potentially have far-reaching implications for individual academic freedom of staff and students. There is no definition of ‘bona fide academic reasons’ which means each HEI must decide for itself, running the risk of legal challenge for breach of the right to privacy under HRA, and of course the possibility of adverse publicity.

Although no member of academic staff has, as far as is known, been disciplined in recent years for uttering ‘treasonable’ words, the possibility is still there, given that under section 2 Forfeiture Act 1870 (still in force) any conviction for treason automatically removes him or her from both employment and any superannuation rights (payable out of a public fund) as a person holding ‘any place, office or emolument in any university, college or other corporation.’ In 2003, the UK’s highest court, then the House of Lords (since replaced by the Supreme Court), was asked to clarify whether section 3 Treason Felony Act 1848 (as amended) could be used to prosecute the Guardian newspaper and its staff for publishing articles advocating a republican form of government. In one of several lengthy opinions, Lord Scott of Foscote disposed of the argument: ‘It is plain as a pike staff to the respondents and everyone else that no one who advocates the peaceful abolition of the monarchy and its replacement by a republican form of government is at any risk of prosecution.’ Lord Steyn said: ‘The part of section 3 of the 1848 Act which appears to criminalise the advocacy of republicanism is a relic of a bygone age and does not fit into the fabric of our modern legal system. The idea that section 3 could survive scrutiny under the Human Rights Act is unreal.’ Lord Walker of Gestingthorpe said: ‘Quaint language and interesting historical associations are no justification for preserving obsolete statutes in a mummified state.’<sup>63</sup> So that is clear: no UK citizen can be prosecuted for advocating peaceful constitutional change whether in the classroom or in a newspaper. So it would appear that university students and staff are free to debate these issues and publish their

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<sup>62</sup> See [http://www.hefce.ac.uk/finance/charities/cc\\_mou.pdf](http://www.hefce.ac.uk/finance/charities/cc_mou.pdf) for the links between HEFCE and the Charity Commission and <http://www.charity-commission.gov.uk/Library/toolkitsum.pdf>, both accessed 1 October 2010.

<sup>63</sup> R (on the application of Rusbridger) v Attorney-General [2003] UKHL 38 at paras 28, 40 and 61.

views as indeed they fiercely debated the 1974 anti-terrorism legislation<sup>64</sup> and no doubt still discuss the impact of the post-2001 terrorism laws on human rights. It might, and probably would be, different if they seriously advocated an armed overthrow of our democracy. However, in recent years some academic staff have been dismissed or resigned for expressing views which incite racial hatred, i.e. discussion of racial issues which are biased, unprofessional, or not in keeping with the academic standards of the HEI.<sup>65</sup> This was seen in the controversy over comments allegedly made by a member of academic staff (E) at the University of Leeds (U) in March 2006, echoing a similar controversy at the University of Edinburgh in 1997.<sup>66</sup> U was reported as investigating whether E, in publicising his personal views on race and other matters, had acted in breach of U's equality and diversity policy, and had 'recklessly jeopardised' the fulfilment of U's obligations under the Race Relations (Amendment) Act 2000 (RR(A)A) in suggesting one racial group is inherently inferior (or superior) to another. Section 2 RR (A)A amended section 71 Race Relations Act 1976 (RRA) with the effect that inter alia HEIs must have due regard to the need: a) to eliminate unlawful racial discrimination; and b) to promote equality of opportunity and good relations between persons of different racial groups. By contrast, in the US, the First Amendment on free speech trumps other areas of law: eg *Levin v Harleston*<sup>67</sup> where a tenured professor at the City College of New York had written articles stating that 'blacks are less intelligent than whites.'

Employment law requires that staff shall be given a statement of the principal terms of employment within a set period: this statement may refer them to other documents. In HEIs the statement will refer them to the charter, statutes, etc. and also possibly to a staff handbook or similar

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<sup>64</sup> Prevention of Terrorism (Temporary Provisions) Act 1974, regularly renewed with various changes of title and content until subsumed into the post-9/11 terrorism legislation.

<sup>65</sup> The UUK/SCOP publication *Promoting good campus relations: dealing with hate crimes and intolerance* (2005) states: 'This general duty is known as a 'positive duty', as it requires public authorities to pre-empt discrimination before it occurs and to take steps to ensure it does not occur. If HEIs fail to comply, they could be issued with a compliance order by the [Equality and Human Rights] Commission and potentially face legal proceedings. The governing body of a HEI is responsible for ensuring compliance with the RR(A)A. The impact of this legislation obliges HEIs to take steps to promote good campus relations and the general duty should be a factor to take into consideration when dealing with incidences of hate crime and intolerance on campus'.

<sup>66</sup> See T. Birtwistle, 'Are we collectively guilty of complacency? An update on the continued confusion over what is academic freedom and what may become a battle for academic freedom' (2006) *Education and the Law* 18(2/3) concerning the potential for conflict between strengthened race equality legislation adopted in 2000 and the notion of academic freedom.

<sup>67</sup> 966 F. 3d 85, 2nd Cir 1992.

document. It is essential that any limitations on the individual's freedom of expression are clearly set out so that disputes may be avoided. One way of doing this, although it cannot protect an HEI absolutely from legal challenges, is to follow the example of those HEIs which have provided a Code of Practice. Given that freedoms carry corresponding responsibilities, informing academic staff as to when the HEI does and does not consider it legitimate to raise issues externally, to challenge decisions properly arrived at (since certain types of whistle-blowing are protected by law), and what the HEI considers to be appropriate exercise of classroom freedom of speech, etc. can only be a move in the right direction.<sup>68</sup>

HEIs also express corporate views and presumably these are protected if made 'within the law' which in practice means the law of defamation, since it is extremely unlikely that a properly advised governing body or other organ (Senate, Faculty Board, etc.) of an HEI would itself act in a way that is contrary to one of the many statutes discussed above. It is arguably the duty of the clerk to a governing body to advise it if any statement could possibly be the subject of legal challenge, which supports the thesis that such persons should have legal qualifications. It is unlikely that a corporation would itself make a defamatory statement (e.g. in a press release) but it may be held liable for such statements made by an officer acting within the scope of his or her authority.<sup>69</sup> If the officers or employees of a statutory body such as a Funding Council or a non-statutory body such as the Quality Assurance Agency (QAA) were to make a defamatory statement, for example in a quality assessment report, it would presumably be protected by qualified privilege except if the report was made available to anyone who did not have a duty or interest to receive it.<sup>70</sup> As a counterpart to institutional freedom of expression, HEIs may feel aggrieved at newspaper articles written about them, including the increasing practice of producing league tables based often on subjective weighting by individuals of a range of performance indicators selected, more or less at random, from published or anecdotal data. Such league tables can be damaging to those who do not appear near the top, discouraging students from applying for admission, or industrial and commercial sponsors from providing funds for research and development, and forming an image in the minds of the public rather different to that which the HEI genuinely believes it should have. Newspapers are subject to rather different rules of law, and it is open to them to prove both that a

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<sup>68</sup> A good example is the Code of Practice on Freedom of Expression originally adopted by the Senate of the University of Bath (1988) coincident with ERA, <http://www.bath.ac.uk/regulations/Regulation18.pdf>, accessed 1 October 2010.

<sup>69</sup> This was attempted unsuccessfully in *Glasgow Corporation v Lorimer* [1911] AC 209.

<sup>70</sup> Reference should be made to a standard work on defamation in English law.

statement was published without actual malice or gross negligence and that the earliest opportunity was taken to publish an apology.<sup>71</sup> Section 7(2) Defamation Act 1952 applies to newspaper reports of the general meetings of companies incorporated by charter or under the Companies Acts. Section 1 Defamation Act 1996 has amended the law in respect of so-called ‘innocent’ publication. It does not amount to slander of property for someone to state that his or her article or service is better than that of a rival and to give reasons for that statement, even though the reasons involve disparagement of the rival’s product.<sup>72</sup> In this context, the advice offered by the British Council in its Code of Professional Standards and Ethics for overseas recruiters essentially outlaws HEIs from making negative comparisons with others for the purpose of persuading students to enrol.<sup>73</sup>

## The Internet in HEIs

As WIPO stated more than a decade ago: ‘The Internet does not have a central point of authority and control ...Compared to other social institutions, it has developed in a spontaneous and autochthonous manner ...The Internet is multi - jurisdictional. Users can access it from any place on earth. It is a global medium transposed on the historical system of separate physical jurisdictions ...The Internet is un-specifically regulated. It is affected by legislation and regulation that apply generally within the various jurisdictions of the world. But for the most part ...there have been few exercises of national legislative authority specifically directed at the Internet<sup>74</sup> and no international legislative instruments specifically designed to regulate the Internet.<sup>75</sup> Like the public at large, students and staff of HEIs can access virtually any kind of information, illegal or legal, via the Internet unless it is restricted on a national basis by a range of devices: IP blocking, DNS filtering and redirection, URL filtering or packet filtering, connection reset or reverse surveillance.<sup>76</sup> All of these methods can be circumvented eventually, using proxy websites, virtual private networks, ‘sneakernets’ or special software<sup>77</sup>, but the use of filtering software has an intended effect

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<sup>71</sup> Libel Act 1843 s 2.

<sup>72</sup> *White v Mellin* [1895] AC 154; *Hubbuck v Wilkinson* [1899] 1 QB 86.

<sup>73</sup> British Council, *ECS Code of Professional Standards and Ethics* (2000).

<sup>74</sup> With the exception of the US CAN-SPAM anti-spamming legislation discussed later.

<sup>75</sup> WIPO, *Final Report of the WIPO Internet Domain Name Process* (1999).

<sup>76</sup> For a discussion of the relative merits of blocking and filtering see CSIRO (Australia) Media Release, *Content Blocking on the Internet 99/75* (1999).

<sup>77</sup> E.g. I2P, Tor, Java Anon Proxy, Psiphon.

similar to direct censorship of printed materials. One of the most popular filtering software programs is SmartFilter, owned by McAfee. This has been used by among others, Tunisia, Saudi Arabia and Sudan,<sup>78</sup> mainly to filter out pornography identified by the Internet Watch Foundation<sup>79</sup> or specific political sites: use of the Internet can have useful or politically dangerous side-effects: 'the exposure to new ideas can arguably have a challenging impact on the structure of relatively fragile societies and touch on cultural sensitivities'.<sup>80</sup> It is this aspect which impacts on academic freedom, for states can, for the same reasons they use to justify infringing academic freedom generally, impose restrictions on who can receive and disseminate information. Use of the Internet has built up over 20 years and in several jurisdictions there have been libel actions for alleged defamation between academics ('cyberlibel').<sup>81</sup> Virtually everyone in higher education uses it and as the mobile technology develops continually no special terminals are needed to communicate in this way, or even faster through messenger

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<sup>78</sup> One country which engages in significant Internet filtering is Saudi Arabia, but research suggests that the overwhelming majority of education sites remain accessible. Such education and reference sites which are blocked are not university sites: J. Zittrain and B. Edelman, *Documentation of Internet Filtering in Saudi Arabia* (2002) Berkman Center for Internet and Society, Harvard Law School. China also blocks many sites (and, famously, has restrictions on the Chinese Google system) but there is no specific research on which sites.

<sup>79</sup> In the UK, BT ISP passes internet traffic through *Cleanfeed* which uses data provided by the [Internet Watch Foundation](#) to identify pages believed to contain indecent photographs of children: the system creates a 'URL not found page' error rather than deliver the actual page or a warning page. Other ISPs use different systems such as *WebMinder*. *CleanFeed* is a silent content filtering system, which means that internet users cannot state if they are being regulated by *CleanFeed* or facing connection failures.

<sup>80</sup> M Rudner, 'International Trade in Higher Education Services in the Asia Pacific Region' (1997) 21(1) *World Competition* 88.

<sup>81</sup> From Australia see *Edith Cowan University Student Guild v Edith Cowan University* [2004] WASC 83 (3 May 2004) and from South Africa *Chetty v Adesina* (Case 33/2007, High Court of South Africa, Eastern Cape Division, 2 November 2007). In the latter case, A and C were sociology professors at Rhodes University and the University of Kwa-Zulu-Natal respectively, holding different views on issues touching on university governance and management. A sent an email to C and others, which C considered to be defamatory. C's claim was unsuccessful as the court upheld a magistrate's finding that the email was fair comment on an earlier email sent by C to staff of his university. The magistrate had commented favourably on the integrity and good faith of both A and C. The court made a number of observations on freedom of expression including academic freedom as a fundamental right under the Constitution of South Africa, holding that the right extends to an 'unfettered debate on issues surrounding the autonomy of a university and the roles that managerial and academic staff, respectively, should play in that regard. The so-called 'commercialisation' of universities...is part of that debate.' The fact that the case was raised at all, however, lends further support to the view that before circulating criticisms widely via the internet, rather than addressing them by private correspondence, great care should be taken to avoid giving unnecessary offence.

services, e-mails and social networking sites such as Facebook or Twitter<sup>82</sup> or via chat-rooms (as in the successful English libel case *Keith-Smith v Williams*.<sup>83</sup>) E-mails within corporations are a particular source of concern, as seen in the *Norwich Union* case<sup>84</sup> where NU as the employer was held liable to pay substantial damages to a rival insurance company about which NU's employees made defamatory statements on its internal e-mail system, leaving it vicariously liable for the actions of its employees. The process of discovery in litigation means that embarrassing, defamatory, or incriminating material can be retrieved even when the user thinks he or she has deleted the offending item.<sup>85</sup> The disinhibiting effect of cyberspace is explored in *K Fox, Watching the English: The Hidden Rules of English Behaviour*<sup>86</sup>; she sees such disinhibition as 'an illusion' based on the 'luminality effect' where the use of e-mail may well feel 'more ephemeral and less binding', but is in fact 'if anything more permanent and considerably less discreet', and hence 'the alternative reality of online communication' can have 'adverse consequences': 'Excessively uninhibited emails, like office-party misdemeanours, may come back to haunt us'.<sup>87</sup> Anthropologists, Fox notes, refer to 'a luminal zone' as 'a marginal, borderline state, segregated from everyday existence, in which normal rules and social constrictions are suspended, allowing brief exploration of

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<sup>82</sup> HEIs which put prospective students in touch with each other via Facebook need to consider potential liability for about-to-be-enrolled-student X defaming persons Y and/or Z (see H.A. Deveci (2005) Usenet defamation: FE/HE liability *Computer and Telecommunications Law Review* 11 (5) 137-143.

<sup>83</sup> [2006] EWHC 860 (QB) where W was ordered to pay £10,000 damages (including £5000 aggravated damages) and issued with a restraining order for defaming K a UKIP parliamentary candidate, as a sex offender and racist in a Yahoo! hosted site. Clearly there are implications for chat-room and blog discussions if the traditional tenets of libel law are to be applied as if such chat-rooms and blogs were formal printed matter rather than the 'electronic gossip' of cyberspace: could an HEI or individual academic annoyed with comments in a student blog site seek to have it closed down by the internet service provider (ISP) on the basis that the ISP is now on notice as hosting and perpetuating a libel?

<sup>84</sup> *The Times*, July 18 1997.

<sup>85</sup> There is a widely held but mistaken belief that 'deletion' has its normal literary meaning. See *R v Scriba* [1995] Crim LR 68 where a doctor amended a patient record on his computer but the hard disk still revealed all to the police and he was charged not only with the manslaughter of the patient but also with perverting the course of justice.

<sup>86</sup> 2004, pages 225-7.

<sup>87</sup> New rules for electronic discovery have been introduced by the US federal courts from October 2006, with the prospect of clash with data protection laws in the EU as US courts seek to gain access to materials relevant to crimes and civil suits involving parties beyond national borders. According to an article in *The Financial Times* (10 November 2006) the new rules also will make it even more important to isolate clearly what is lawyer-client privileged information. This is relevant not just to lawyers, but to institutions which correspond with them by email.

alternative ways of being'. A number of reports of staff being disciplined or dismissed for making allegations using web-based discussion forums, blogs and emails, started to appear in the press in May 2007, promoting further discussion of the balance to be struck between academic freedom of expression and open criticism of an institution or individuals. As far as the employment relationship is concerned, such criticism may breach the implied term of 'trust and confidence' or may be actionable as the tort of defamation.

The ever-growing use of the Internet raises other problems of copyright<sup>88</sup> and protection of data. What are the likely legal issues to do with the Internet? What duty of care does an HEI have in terms of responsibility for attempting to control use of the Internet by its students and its staff? How can the HEI discharge that duty and avoid liability (if any)? What should it do if it is 'put on notice' of a likely abuse of the use of the Internet? Are there any legal issues involved in, as some HEIs have done, cutting off users from accessing certain salacious areas of the World Wide Web? Controversy at Cornell University, USA, over students disseminating politically incorrect statements over the Internet led to a debate about free speech in cyberspace, about how much responsibility an HEI can be reasonably expected to take for such infringements and about the HEI's duty to provide a non-threatening environment in which students can study and be protected from cyber-bullying<sup>89</sup> including receiving offensive e-mail (the latter perhaps less a matter for the law and more about social conventions). To avoid legal challenges from outside, and to secure academic freedom requires HEIs to issue detailed rules and guidelines to their staff and students concerning the use of information technology (IT) facilities, and probably requires individuals specifically to sign up to those regulations as part of an acceptable use policy. An HEI in particular needs to exercise some responsibility in finding out what is being placed on its Web pages, or the personal Web pages of members of staff using its Web space since this is potentially the highest risk. However, refusal to allow material related to the academic work of individuals to appear may be yet another challenge to academic freedom. Again it is all about balancing the rights and duties of individuals against those of the HEI and other individuals. It will be stressed to the user, who may be accessing the network from various locations including an office, a student bedroom, a private residence, or an airport lounge that: facilities may be used only for academic activity, other than for

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<sup>88</sup> See now the Digital Economy Act 2010.

<sup>89</sup> In 2010 a student at Rutgers University in the USA committed suicide having had photographs of him engaged in sexual activity taken secretly by fellow students posted on the Internet. The students were charged with breach of privacy.

limited social and recreational use (e.g. certainly not for running a small business); especially facilities should not be used for peeking at or transferring pornography;<sup>90</sup> the HEI reserves the right to monitor user activity, including e-mails;<sup>91</sup> passwords must be kept secure; defamatory material must not be created or transmitted, nor material likely to annoy, inconvenience, or harass others;<sup>92</sup> it is against the rules to distribute

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<sup>90</sup> The offences related to indecency etc. are set out in the Protection of Children Act 1978, the Criminal Justice Act 1988 (as amended by the Criminal Justice and Court Services Act 2000), the Criminal Justice and Public Order Act 1994 and the Communications Act 2003 (as amended by the Serious Organised Crime and Police Act 2005) but technology evolves constantly. Downloading indecent photographs of children is an offence: *R v Bowden* [2000] 2 WLR 1083 (CA) and knowingly copying, storing or downloading is being 'in possession': *Atkins v DPP* [2000] 1 WLR 1247; *R v Smith* and *R v Jayson* *The Times*, 23 April 2002 (CA). Misusing university computers can give rise to high-profile prosecutions: *R v Fellows* (Alban); *R v Arnold* (Stephen) [1997] 2 All ER 548. It is reasonable to dismiss an employee for gross misconduct in using an office computer to visit pornographic websites: *Thomas v Hillingdon LBC* *The Times*, 4 October 2002 (EAT). In *Regina v Porter* *The Times* 21 June 2006, the Court of Appeal ruled that, when a person deleted images on a computer but where they then remained on its hard-drive, the person no longer 'in possession' of the images if he/she was not able to retrieve them (having deleted and then emptied the recycle bin) because he/she lacked the IT skills/software. Where, however, the images were more easily retrievable from the unemptied 'recycle bin', then he/she would remain in possession if the jury concluded that he/she had the necessary IT skills to readily retrieve such images from the 'bin'. Of course, a person with greater IT skills and the appropriate software could retrieve the images from the hard-drive even after the 'bin' had been emptied, and hence could still be 'in possession.'

<sup>91</sup> As permitted under the Regulation of Investigatory Powers Act 2001 (RIPA) and the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, SI 2000/2699 as discussed below. In *Copland v UK* [2007] ECHR 253, relating to C, an employee of Carmarthenshire College, the ECHR ruled that the collection and storage of information by an employer of an employee's telephone, e-mail and internet usage at the place of work was, in the absence of any legal provisions, unjustified. (The facts of the case arose before the enactment of RIPA and the Regulations, which would have regulated the issue domestically.) The Court found 'unpersuasive' the argument of the UK government that the college was authorised under its statutory powers to do 'anything necessary or expedient for the purposes of providing higher or further education' and this gave it power to act as it did towards C.

<sup>92</sup> See *Dow Jones and Company Inc v Gutnick* [2002] HCA 56; the High Court of Australia ruled that the tort of defamation occurs in the place where people read the offending material in an e-mail or on a website and not just in the locality where the website's/organization's server is located as the 'place of publication'. The ruling leaves 'publishers' including HEIs which maintain websites potentially exposed to legal action in any country for defamation. A search engine, however, is not a publisher for the purposes of a defamation action; it merely facilitates the finding of information (whether defamatory or not) within the web and, even when the owner of the search engine (here Google) was put on notice, there could still be no liability, given the nature of a search engine, on the basis of any assumed authorisation, approval or acquiescence: *Metropolitan International Schools Ltd v Design Technica Corporation & Others*, [2009]

anonymous e-mails, or impersonate another user, or despatch e-mails to a large number of recipients; copyright, trademarks, and intellectual property rights must not be infringed;<sup>93</sup> facilities should not be used for ‘hacking’; the data and privacy of other users should not be interfered with; viruses will not be introduced or transmitted;<sup>94</sup> software licences must be complied with; data protection legislation must be complied with;<sup>95</sup> the hosting of Web pages must be authorized<sup>96</sup> and such Web pages should not be used for

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QBD 16 July, The Times 3 August 2009. See the defamation actions initiated by a UK citizen, G, against Cornell University and the University of Minnesota in the English High Court in 1997 prior to his successful action in *Godfrey v Demon Internet Ltd* [1999] 4 All ER 342. See also *Don King v Lennox Lewis* (1) *Lion Productions* (2) *Judd Berstein* (3) [2004] EWCA Civ 1329: publication takes place where the material is downloaded, and if downloaded within multiple jurisdictions, the claimant can sue in any or all such jurisdictions so long as, in the case of England, the claimant has a reputation to protect. Note also the case of an Oxford academic suspended without pay for two months in 2003 for telling an Israeli enquiring about graduate study that he would not wish to teach someone who had served in the Israeli army against Palestinians. The ISP (and, by extension, the HEI as the provider of an IT infrastructure) is reasonably protected against being deemed to be the publisher of a defamation: see *Godfrey v Demon Internet Ltd* (above) and also *Bunt v Tilley & Ors* [2006] EWHC 407 QB, where the Court in addition noted the protection offered by the Electronic Commerce (EC Directive) Regulations 2002, which define the circumstances in which internet intermediaries should be held accountable for material that is hosted, cached, or carried by them but which they did not create. See generally M. Collins, *The Law of Defamation and the Internet* (2nd ed, 2005).

<sup>93</sup> M van Hoorebeek, ‘Copyright Infringement and Potential Technological Prevention Measures in UK Universities’ (2005) 17(1) *Education and the Law* 217–248, discussing P2P networks which, together with individual downloaders, the recording industry has sued. An HEI which acts with due diligence once put on notice that breaches of copyright are occurring may be treated as an ISP. See *Sony Music v Easyinternetcafe* [2003] EWHC (63). In the USA the problem of P2P copyright infringement by students continues to be of concern (post-2001/05 cases of *Napster/Amster/Grokster/GroksterII/Monstyp*), with the HEI as an ISP potentially caught between the RIAA/MPAA and students using more than half of HE bandwidth for such file sharing. Some HEIs now automatically disconnect IT access when any P2P activity is detected, but quite how pro-active the HEI need to be in policing P2P activity amongst the campus network is still unclear from these cases.

<sup>94</sup> See *Computer Misuse Act 1990* s 3; in *R v Whitley* [1991] 93 Cr App R 25, CA, the *Criminal Damage Act 1971* was used against a hacker who gained access to the JANET network prior to the 1990 Act coming into force. The problem of ‘denial of service attacks’ might be more difficult to fit into the offences in either Act.

<sup>95</sup> *Criminal Proceedings against Lingquist* Case C-101/01 *The Times*, 13 November 2003 (ECJ) suggests that HEIs have a duty to ensure employees do not breach data protection legislation by referring to personal data relating to persons named on an internet page. Where employees *choose* to put home addresses, telephone numbers, etc. on an official web page it must be made clear that they accept the consequences.

<sup>96</sup> An ISP—the definition of which an HEI may fit – hosting a website can be liable for damages or criminal sanctions if it has ‘actual knowledge’ or should reasonably have realized that an offence/tort was being committed especially if it receives a take down notice from a third party. ISPs have to be particularly careful where they host ‘bulletin

commercial activities; and access to non-institutional staff and students should not be given, other than for official visitors (and possibly conference attendees) accessing their own institution to avoid charges of hacking.<sup>97</sup> Free Wi-Fi services are a particular issue, not only in relation to online breach of copyright under the Digital Economy Act 2010 (DEA), but also more generally.

In addition, the user may be referred to relevant legislation available online, such as the Computer Misuse Act 1990, DPA, the Copyright, Designs and Patents Act 1988 (CDPA) and DEA; as well as to national guidelines concerning JANET. There may even be a note circulated on 'Network Etiquette' (or 'netiquette'), informing them of conventions amongst users of e-mail and of newsgroups—e.g. reply promptly, treat e-mail as if sending a postcard (anybody can read it along the way), don't indulge in sending 'flamemail', be clear, remember that despatching an e-mail on the institutional account is like using its letterhead. Sending a threatening or malicious e-mail over a public telecommunications network is an offence under s. 127 Communications Act 2003; it is also an offence under the Protection from Harassment Act 1997 (the 'stalking' legislation) if done on two or more repeated occasions.<sup>98</sup> Members of staff or students who are being harassed, or even stalked, via e-mail, should be advised to contact the sender's internet service provider (ISP) and make a complaint, which could result in that person losing their e-mail account, and, at any rate, sets up a trail of evidence. Second, all the e-mails should be kept as further evidence. Third, they should not reply to the harasser. Fourth, if there are threats of violence, or of a sexual nature, they should contact the police immediately, because this can constitute a crime. Irritating en masse e-mails ('spam/spamming') are controlled in the USA<sup>99</sup> where most of the spam

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boards'. An ISP acting as a mere conduit or is simply caching has no liability if it acts to remove or disable access to information which it becomes aware of as being defamatory or illegal: Electronic Commerce (EC Directive) Regulations 2002, SI 2002/2013 implementing the European Directive on Electronic Commerce 2000/31/EC, OJ L 178 17 July 2000. The 2002 Regulations have been amended, extended and applied to other areas of law by SI 2002/1775, SI 2002/2015, SI 2003/115, SI 2003/2500, SI 2004/1178, SI 2004/3378, SI 2005/148, SI 2005/3222, SI 2007/1550, SI 2007/2497 and SI 2010/894.

<sup>97</sup> The offence of unauthorized access was created by the Computer Misuse Act 1990 passed in the wake of *R v Gold*; *R v Schifreen* [1988] 1 AC 1063, HL. Unauthorized access by an authorized user is covered: *R v Bow Street Magistrates Court, ex p Allison* [1999] 4 All ER 319.

<sup>98</sup> Law enforcement agencies in the USA estimate that electronic communications are a factor in from 20% to 40% of all stalking cases.

<sup>99</sup> The CAN-SPAM Act, effective 1 January 2004 requires marketers to remove customers from their lists when requested, and requires them to provide automated opt-out methods as well as complete contact information (address and phone) with alternate means of

originates and in the UK by the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as amended)<sup>100</sup> which cover, amongst other things, unsolicited electronic marketing communications. Unsolicited marketing calls should not be made to individual subscribers who have opted out either directly or by registering with the central stop-list, the Telephone Preference Service (TPS), or to corporate subscribers (e.g. companies) who have objected either directly or by registering on the Corporate TPS. Unsolicited marketing faxes should not be sent to individuals without their prior consent or to any subscriber who has objected, either directly or by registering on the Fax Preference Service (FPS). Unsolicited marketing e-mails or SMS should not be sent to any individual subscriber who has not consented unless the e-mail address or phone number was collected in the context of a commercial relationship. Wholly automated marketing calls, i.e. where a recorded message is played and the recipient does not speak to a human being, can only be made where the subscriber concerned (whether individual or corporate) has consented.

Attempting to filter e-mail can be difficult, as ‘spam’ and ‘spyware’ protection programs, although much improved since the first edition of this book in 2006, are not yet perfected. As stated earlier, it may be a breach of individual academic freedom for HEIs to restrict information based on content or the expression of particular views. It is very difficult to define precise criteria which will not have the unwanted effect of blocking legal and relevant material for use in teaching or research. A ‘responsible use policy’ similar to that governing academic freedom generally is probably preferable together with sensible measures taken to deal with illegal use, or

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removal. CAN-SPAM also bans common spamming practices such as false headers and e-mail harvesting (the use of software that ‘spiders’ websites to collect e-mail addresses). Subject lines must be truthful and contain a notice that the message is an advertisement. CAN-SPAM requires truthful e-mail header information (including the ‘from’ line), accurate subject lines, an opt-out tool that works 30 days after mailing, that opt-out requests happen within 10 days, that e-mails have a physical postal address in all messages, that the messages are labelled as advertisements, and that warnings are displayed for e-mail with sexually oriented material. On 10 March 2004, four of the USA’s largest e-mail providers sued hundreds of online marketers under CAN-SPAM. Six lawsuits were filed claiming the defendants obscured their identities and used other deceptive tactics to send out hundreds of millions of pitches for get-rich-quick schemes, pornography, and other types of spam. The defendants allegedly falsified return addresses, routed their messages through other computers to cover their tracks, and engaged in deceptive advertising. One group of defendants in Canada allegedly sent nearly 100 million messages to Yahoo customers in January 2004 alone and resold the e-mail addresses of those who responded.

<sup>100</sup> SI 2003/2426 as amended by SI 2004/1039, implementing Articles 2, 4, 5(3), 6 to 13, 15, and 16 of Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector.

use which runs contrary to the regulations for academic networks. Monitoring is fraught with difficulty of legal challenge. While some form of monitoring is permitted by the operation of RIPA<sup>101</sup> under Codes of Practice approved by Parliament,<sup>102</sup> and the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000<sup>103</sup> this should generally only be applied to individuals when there is reasonable suspicion of a breach of the law or other relevant rules and where permission has been granted by a senior member of staff as there are also possible implications for the general ECHR right of privacy, developed over time into the complex rules set out in DPA. To get over this, an employer might usefully provide a separate and unmonitored payphone and perhaps an e-mail terminal for the personal and private use of employees. HEIs need to be particularly careful, more so since HEFCE has imposed reporting requirements as charity regulator, where there is even suspicion of activity carried out over the Internet which might be related to terrorism.<sup>104</sup>

## Conclusion

Quite clearly from the above discussion, it is very difficult to determine what exactly is the legal protection of academic freedom in the United Kingdom, and the author is drawn to agree with Sjur Bergan that the country (with the possible exception of Scotland) is the ‘sick man’ of Europe in this respect. In the current and potential state of higher education, where the system is gradually but inexorably moving along a business-oriented path to privatisation, it seems unlikely that any government will have time or inclination to follow the Scottish Parliament and at least to ensure that HEIs respect the academic freedom guaranteed in the various international declarations. However, even there, the problem is to define what is academic freedom ‘within the law.’ In the next article, we shall see how in theory and in practice, academic freedom is guaranteed in a country with a constitution and civil law system, the Republic of Macedonia.

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<sup>101</sup> The police may also use RIPA to intercept e-mail at a server or ‘search’ a server and to oblige disclosure of any cryptographic key (as well as using the old-fashioned search warrant).

<sup>102</sup> There are many SIs relating to RIPA: the main Codes of Practice relevant to HEIs are The Regulation of Investigatory Powers (Interception of Communications: Code of Practice) Order 2002, SI 2002/1693; and The Regulation of Investigatory Powers (Acquisition and Disclosure of Communications Data: Code of Practice) Order 2007, SI 2007/2197.

<sup>103</sup> SI 2000/2699.

<sup>104</sup> As noted above, English HEIs which are exempt charities are required to inform HEFCE of such suspicions; other English HEIs are required to inform the Charity Commission.

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# **Diasporas' Impact on Public Policy, Legislation and Economy in Home Countries: The Case of the Albanian Diaspora**

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## **Abstract**

The Albanian Diaspora has been perceived by the population in the home country as the driving force for cultural, political and in particular for economic development, given the high flows of remittances sent in the country (up to 17% of the GDP, National Strategy on Migration, 2004:7). Such impact has been followed by several political instruments aiming at maximizing benefits from Diaspora/Emigration such as the Albanian National Strategy on Migration, the 'Albania one euro' initiative of Government of Albania initially targeting Diaspora investments and Albanian Action Plan on Remittances. In parallel, Albanian legislation obliges the state structures to strengthen links with Diaspora and includes a series of provisions aiming at reinforcing Diasporas' influence in the overall development of the country.

This article analyses the potential versus the concrete impact of the Albanian Diaspora in the formation of public policies, legislation and in the economic development of the home country. It focuses on the role of the state structures in fostering such an impact and examines whether the national strategic documents on Diaspora have been implemented in practice and the reasons behind the actual level of implementation.

## Abstrakt

Diaspora shqiptare është perceptuar nga popullsia e vendit të origjinës si forcë lëvizëse për kulturë, politike dhe në veçanti për zhvillimin ekonomik, duke pasur parasysh flukset e larta të remitancave të dërguara në vend (deri në 17% të PBB-së, Strategjia Kombëtare për Migracionin, 2004:7). Ndikimi i tillë është ndjekur nga disa instrumente politike me qëllim maksimizimin e përfitimeve nga diaspora të tilla si Strategjia Kombëtare Shqiptare për Migracionin, iniciativa e Qeverisë së Shqipërisë e "Shqipëria 1 €", fillimisht synonte investimet e diasporës shqiptare dhe Plan veprimi për remitancat. Paralelisht me këtë, legjislativi shqiptar detyron strukturat shtetërore për të forcuar lidhjet me diasporën, përfshi edhe një seri të dispozitave me qëllim të forcimit të ndikimit të diasporës në zhvillimin e përgjithshëm të vendit.

Ky punim analizon potencialin kundrejt ndikimit konkret të diasporës shqiptare në formimin e politikave publike, legjislativi dhe në zhvillimin ekonomik të vendit të origjinës. Punimi fokusohet në rolin e strukturave shtetërore në nxitjen e një ndikimi të tillë dhe shqyrton nëse dokumentet strategjike kombëtare për diasporën janë implementuar në praktikë dhe arsyet për nivelin aktual të implementimit.

## Апстракт

Албанската дијаспора од страна на населението во татковината се гледа како движечка сила за културен, политички и економски развој, имајќи ги во предвид културните, политичките и особено економските развоји и високите текови на дознаки кои се испраќаат во земјата (до 17% од БДП, национална стратегија за миграција, 2004:7). Ова влијание е проследено со неколку политички инструменти со кои се максимизираат придобивките од имиграцијата/дијаспората како што е Албанската национална стратегија за миграција, иницијативата на Владата на Албанија „Албанија едно евро“ која во главно е насочена на инвестициите од дијаспората и албанскиот акционен план за дознаките. Паралелно на тоа со албанското законодавство државните структури се обврзани да ги зајакнат врските со дијаспората и вклучени се низа одредби кои имаат за цел да го зајакнат влијанието на дијаспората во севкупниот развој на земјата.

Во овој труд се анализира потенцијалното наспроти конкретното влијание на албанската дијаспора во креирањето на применетите политики, законодавството и економскиот развој на татковината. Се фокусира на улогата на државните структури во поттикнувањето на таквото влијание и се испитува дали националните стратемски документи за дијаспората се спроведени во пракса и се наведуваат причините за тековното ниво на имплементација.

## Introduction

The main objective of this article is the analyses of the impact of Albanian Diaspora in development of the policies, legislation and economy of the home country. It argues that immediately after the fall of communism, there was a significant interest by the Albanian Diaspora to come and invest in the country, but the overall policy, legislation and general economic infrastructure did not meet the required standards for a concrete involvement. Similarly, the new migrants communities formed during the last 20 years have continuously contributed in the Albanian economy through remittances, but their impact has been subject to the precarious political situation in the home country.

The article does not deal with the arguments on the very concept of Diaspora, as there is a vast literature on this issue and it goes beyond the object of this article. Hence, when analysing the impact of the Albanian Diaspora, the article refers to the IOM Glossary on Migration which defines Diaspora as: 'any people or ethnic population that leave their traditional homelands being dispersed throughout parts of the world' (IOM, 2004:19). Thus, under this definition, the article does not focus only on the traditional/historical Diaspora but, and in particular, on the new communities of migrants formed during the last two decades in the western countries. This approach falls also under the definition of Cohen on Diasporas, which *inter alia* includes *labour Diaspora* as the new communities, who retain a collective memory, vision, or myth about their original homeland - its physic allocation, history, and achievements and consider the homeland as their ideal home for which they should contribute to restore (Cohen, 1996: 515 and 517).

The article is divided into three main parts. The first one briefly describes the formation of the Albanian Diaspora. The second part analyses the impact of the Diaspora after the fall of communism, while the third one examines

the political and legislative responses of the Albanian Government to maximise the benefits from Diaspora for the development of the Country.

## **General Remarks on the Albanian Diaspora**

Albanian Migration and the subsequent formation of the Albanian Diaspora can be categorized in three main phases: migration until the Second World War, migration during the communist regime and the massive wave of migration in the 1990s, creating significant Albanian migrant communities in a range of host countries.

During the first phase was formed the Albanian historical Diaspora. This is a uniquely large Diaspora in that it outnumbers the population in the home country of the time. Approximately 9 million ethnic Albanians out-migrated between the fourteenth and fifteenth centuries until the year 1945, when the communist regime gained control (Nika: 2010). This number though, does not include only Albanians that have emigrated from the geographical territories of what is the Albanian state territory today. The first wave of documented movements from Albania, which led to the formation of the first Albanian communities abroad, can be traced to the fifteenth century, after the invasion of Albania by the Ottoman Empire (Vullnetari, 2007: 9). The massive flow of Albanian emigrants after the death of the Albanian legendary hero, Gjergj Kastriot Skanderbeg (1467) is considered the foundation of the Arberesh community in Italy. The majority of emigrants in this period were members of the family of Gjergj Kastriot Skanderbeg (including his wife and son) and from noble families in Albania. As mentioned in several studies, this has been considered a 'biblical exodus' given the high percentage of the population that left at the same time, up to 200.000-300.000 persons or 25% of the population at the time (Vullnetari 2007: 9 quoting Tirta:97 and Bajraba:514). Many other emigrants left in this period also for Greece, creating the community of Arvanitas in Greece.

Many Arberesh have preserved the language and traditional customs of the time, regardless of the period of six centuries and still keep in contact with the Albanian state structures responsible for Diaspora, such as the Albanian National Institute of Diaspora. The prevalence of the feeling of belonging to Albania as the home country has been promoted also by the welcoming approach of host community/state structures (given that their initial settlement was supported by the King of Aragon), which have allowed them to keep the flag and organize for historical dates, in memory of their

ancestors in the motherland. If we refer to modern patterns of migration, the migration of Arberesh can be considered the first and the only organised Albanian migration between the home and host 'states' (societies), given that it was agreed in advance by the Italian princes and Albanian counterpart, Gjergj Kastriot Skanderbeg.

Efforts to preserve the language and customs have also been made by the Arvanitas in Greece, but contacts with Albania and the feelings of belonging have lessened with the passing of time. Given the hostility between the Greek and Albanian states for much of the recent history and the fact that migration of Arvanitas has been individual and not organized, contacts with the community of origin could not be maintained easily in the host society, where the need for integration prevailed to that of identity.

The Ottoman Empire and its reign in Albania, as across the whole Balkan peninsular displaced many communities and increased general mobility of the population. In this period, several communities of Albanians were created in Turkey, Bulgaria, Romania, Syria and Greece (Vullnetari, 2007:10). During the nineteenth and twentieth centuries, the movements of Albanians were towards the USA, Argentina, Australia and France. Many Albanian families were displaced after the demarcation of Albanian territories in favour of neighbouring newly independent countries and were sent to Turkey, given the fact that they had converted to Islam.<sup>105</sup> This was also the situation after the independence of Albania in 1912 and subsequent territorial delimitation in accordance with the Firenze Protocol, with some Albanian inhabited territories passing to the neighbouring countries. Massive displacements of Albanian population took place also in the framework of the exchange population agreement between Turkey and Greece (Vullnetari, 2007:10; Nika, 2010:1-5). Sporadic economic migration towards USA through Greece continued even after the independence, until 1945.

The highest number of Albanian traditional Diaspora is found in Turkey, Greece, Italy, USA, Argentina, Sweden, Germany, Switzerland, Australia and Canada (Nika, 2010: 5). However, given that over hundreds of years, Albanians have continually migrated and the majority of emigrants have integrated into the host societies, we cannot estimate what percentage of

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<sup>105</sup> As per the Treaty of San Stefan, several territories inhabited by Albanians were given to Montenegro, Serbia, and Greece. The number of displaced persons is not clear as different studies refer to 250.000-300.000 Albanians living in Turkey (Vullnetari 2007:11) while information received from NID is around 5 million. The figure of NID follows a declaration of former Turkish Minister- Demireli in a meeting with a former Albanian President. This figure is also backed by a study of three Turkish Universities. See for more: Milliyet, Türkiye'deki Kürtlerin Sayısı. 2008-06-06.

these people identify as Albanian in origin. As per the National Institute of Diaspora, many members of these communities have preserved the language and customs, regardless of the limited contact with Albania during the 50 years of isolation under Enver Hoxha's communist regime.

The second phase of Albanian migration, which took place during the communist period, was motivated primarily by political reasons. The number of those who left the country has been very limited, mainly asylum seekers who left due to fear of persecution (around 20.000 persons left from 1945-1990 according to De Zwager, Gedeshi, Germeñji, Nikas, 2007: 9). The national legislation did not allow emigration as such; those who left were considered enemies of the state or as having committed the crime of treason.

The 1990s marked a new phase of migration which resulted in the formation of new communities of Albanians abroad. Since 1992, Albania has had the highest out-migration rate in Europe, with up to 27.5% of its population moving outside the national borders (Albanian National Strategy on Migration: 2004, p.7 and World Bank Remittances Factbook: 2008). Some studies refer to a number as high as 1.2 million emigrants (Gedeshi: 2010:17) out of a population of 3.639.453 Albanians or to a migration rate of -4.28/1000 persons (CIA Factbook, 2009). This figure refers mainly to the emigrants that have left during the last twenty years, the so called 'new generation of Diaspora', which started after the fall of communism in 1991 and continued through to the present.

Emigration of the 1990s was seen as a short-term solution to dire poverty in Albania, but the ongoing 'transition' to a functioning capitalist democracy in Albania led many to consider emigration a long term solution, even though they continued to think of Albania as their true home. Albanians gradually established and joined many Albanian organizations in the countries of destination, such as in Greece and Italy where a myriad of organisations of Albanian Emigrants flourished, as well as in the UK, Sweden, Switzerland, Germany, Canada and in particular the USA, where the organisations representing the traditional Diaspora become representative also of the new migrants communities (Ragaru, Dymi: 10-15).

## **Impact of the Albanian Diaspora in the Home Country**

Traditionally, the members of Diaspora have brought new ideas, standards and different values to Albanian society. Starting from the legendary hero Skanderbeg, who was recruited as a child by Turks and was

raised in the court of Adrianople (now, Edirne, Turkey) many political actors have returned to impact Albania from the abroad. The majority of Albanian eminent writers of the medieval era lived and published their works abroad, while committed to the national interests. The political documents and the movement requesting autonomy and independence from the Ottoman Empire were prepared and initiated in exile, within the community of Albanian emigrants in what are today Turkey, Romania, and Austria.

During the communist period, the Albanian Diaspora was perceived and represented within Albania through a blurred vision. On one side, historical books referred to the important members of the Diaspora who had worked for the nation even though in exile (referring to those who had left and worked prior to establishment of the communist dictatorship). However why some of those still alive did not return to, or even visit the country, could not be discussed due to fear of the regime. On the other side, while the population at home could not freely ridicule the propaganda that Albania was the happiest country in the world and the proletariat abroad was suffering the exploitation of the capitalists, the families who had relatives abroad used to receive additional funding/ gifts that were rare for Albanian society. Even though under strict control, the limited remittances from the Diaspora during the communist period had a significant political and psychological impact: they helped to question, to deconstruct the communist imposed idea that all people in capitalist countries were suffering, because the gifts (mostly clothes and appliances such as radios, watches etc) and the money sent by Diaspora members living in capitalist countries indicated that in fact they were far wealthier than those living in the communist Albania.

The Albanian communities formed after the fall of communism have had the greatest impact on policy, legislation and economy in Albania. The emigration of Albanians after 1991 started as an individual strategy for coping with unemployment and disastrous economic conditions throughout Albania, which unfortunately, remains the main factor of emigration two decades later. Many emigrants who initially aimed for short term emigration ended up, in the countries where they could be regularized, with long term residence. Emigration and formation of the new communities abroad (since 1991 throughout to the present) has first and foremost a direct impact on *demography* (Albanian National Strategy on Migration (NSM), 2004: 9). Entire zones, in particular in southern Albania, are inhabited only by old people or are completely abandoned due to emigration. Agriculture in the country suffers a lack of labour force, as most people from rural areas have left to work in the Greek and Italian agricultural sectors. Currently, Albania

imports most of agriculture products even though, prior to 1991 it used to export those products.

Secondly, emigration has a direct impact on the *labour market*. On one hand, work experience in developed countries has equipped emigrants with different working standards, know-how and work ethics (NSM, 2004: 9). Emigrants have become familiar with new sectors of the economy and developed new skills which they could transfer to Albania if they returned. They naturally seek similar standards to those found abroad, if and when they come to Albania. On the other hand, settlement of emigrants during the last twenty years in the countries of destination has proved to be a safety valve for the Albanian labour market. Indeed, given that Albanians during the last two decades have left and continue to leave mainly as economic emigrants, their permanent settlement and integration in the host communities has saved the country from an unbearable unemployment pressure. The Ministry of Labour, Social Affairs and Equal Opportunities (MOLSAEO), responsible for the labour market, has not proved active and efficient in reducing the high levels of unemployment in Albania. The statistics of the Albanian Ministry of Interior show that 64.625 returned Albanian irregular migrants tried to emigrate in EU Member States for employment purposes in 2009 (Albanian National Strategy on Reintegration of Returned Emigrants: 7). This is an indication that unemployment continues to be the main reason for (illegal) migration of Albanians.

The most notable impact of the Diaspora has been on the Albanian *economy*. The economic dependence on emigration and the Diaspora has been a factor since the nineteenth and twentieth century movements, in particular on emigration of Albanians from south Albania towards USA via Greece. They worked and saved money to bring back to Albania, without thinking of a long term perspective in the destination country, at least in the beginning (Raguru, Dymi, 2004:2-5). However, in most of the cases, temporary emigration led to permanent settlement and acquisition of citizenship of the host country, regardless of the interest of the members of historical Diaspora (in particular in the USA) to come back to Albania. This has been due to disappointment by the realities found back in the country, before and in particular during the instalment of communism. This situation was replicated after the fall of communism. In the first years of the 1990s there was a high expectation on both sides that the Diaspora would be an economically and politically driving factor for a democratic Albania. On one side, from Albanians in the homeland, there was a perception that members of the traditional Diaspora were very wealthy and able to generate profitable business in the country, to help alleviate poverty and unemployment. On the

other side, members of traditional Diaspora showed interest to come and invest in the country. However, due to the complicated procedures and high levels of corruption to start and operate a business, lack of clear rules, different working values and standards in Albania, the initial interest was followed by a general reluctance to invest in Albania (Nika, 2010, interview: file with author).

Differently from traditional Diaspora, new emigrant communities have been continuously present in the Albanian realities. They have, in particular, provided an indispensable *economic input* for the Albanian society during the last twenty years. NSM refers to a figure of up to 17 percent of the GDP up to the year 2004 (NMS, 2004:38-40). The level of remittances sent in different periods is believed to be higher than the official figures, if we take into consideration the remittances transferred through informal channels such as relatives, family members, and friends. Different studies indicate that 'remittances have had a very significant effect, maybe even greater than traditional foreign aid, towards the alleviation of household poverty in developing countries' (De Zwagger, Gedeshi, Germeñji, Nikas 2005: 20). This is true in the case of Albania. Remittances are so indispensable for coping with every-day life that Albanian families are considered as poor or with average income depending on whether they have relatives abroad who send remittances or not. Emigration is, by and large, considered as a strategy to escape poverty (IOM, 2008:11).

A specific feature of the new Albanian emigrant communities is that while emigrants make all efforts to regularize and integrate in the country of destination, they invest in Albania by buying and furnishing apartments and houses. This has been followed by a boom in the construction business, given the purchasing power of emigrants, who mainly rent out what they buy. In addition to apartments, generally, most of remittances have been channelled into domestic purposes and everyday consumption of the relatives left behind, rather than investment. Remittances thus end as an 'investment' which does not generate income, but on the contrary consumes further money, making dependence on remittances a long term situation. In this context, while it has been accepted that remittances have been a major factor in the financial survival of the country, the risks of such dependency have also been emphasized. The IOM study *Competing for Remittances* (2005:47), analyses such risks as below:

A sudden decline in their size, due to a recession in the countries of destination for example could devastate the Albanian economy. There are potential side effects though even if they remain at the same level or even

increase. If spent on consumption they contribute to demand-pull inflation. If spent on imported consumer goods because of domestic supply limitations, they will simply cause an increase of imports. This can have an adverse effect on the balance of payments if they finance mainly imports (the «boomerang effect»). Furthermore by providing affluence on foreign exchange they keep the Lek appreciated taking into account the country's poor performance in exports and structural trade deficit. Thus the Albanian products... loose in terms of competitiveness, a phenomenon identified by economic theory as the "Dutch Disease" (De Zwagger, Gedeshi, Germenji, Nikas 2005: 47).

Indeed, five years after this study, the National Bank of Albania (NBA) mentioned that the Greek crises may affect Albania, not due to a potential bankruptcy of Greek banks operating in Albania, but in particular due to the decrease of remittances. This reaction of the NBA refers to the trend of remittances in the last years which marks a significant decline. The NBA data indicates that the level of remittances is in decline. In 2007 around 13.85% GDP, 2008, 11.15% and in 2009, 11.11% (NBA: 2010) as compared with the rate of 17% of GDP in 2004, as per NSM. A further reduction of 3% was notices in 2010. The 2009 economic crisis in the host countries has made emigrants aware of the difficulties ahead for themselves, thus they are keeping the money where they are, remitting less in Albania. It is reported that emigrants are currently saving 5.2 times more than the amount they remit (DEVIPRO, 2009: 3), with a figure of 3.5 million euro in savings amongst 404 thousand families abroad for the year 2008, (approx 1.2 million emigrants) which is five times higher then the remittances sent to Albania during this period.

*Brain drain* is also a corollary to the formation of new Diaspora communities abroad. A considerable number of migrants who have left the country during the last nineteen years used to work in necessary professions in Albania such as doctors, engineers and professors (NSM, 2004: 25). Students also seek to undertake tertiary training in these professions in countries such as Romania and Italy, in order not only to access better education systems, but to be more internationally mobile with their qualifications after graduation. Thus, there is a shortage of specialists in these areas in Albania.

Long term settlement and subsequent establishment of a new Diaspora in the countries of destination also impacts *domestic politics*. Emigrant communities abroad cannot vote in Albania due the lack of logistical arrangements, regardless of the fact that Albanian Law on Emigration (2006) and NMS stipulate the obligation of State Structures to facilitate voting of

Albanian Emigrants abroad. More than lack of logistics, it seems to be lack of political will in the country. Otherwise, such issue would have been at least mentioned or discussed by the main political actors in the country during the negotiations for the changes of the electoral code for the 2009 National Elections. In no occasion was it mentioned the establishment of the relevant logistics to support voting from abroad, either in the Albanian consulates or through electronic/mail voting. Migrants were not at all considered as a specific category of voters. It must be mentioned that migrants become used to different governing standards found in the Western countries and they would expect similar views also in Albania. Hence, if they had the opportunity to vote, considering their numbers - up to 35% of the voters (National Strategy on Reintegration, 2010: p 6.), their vote could have a decisive impact on the elections.

## **Political and Legislative Response to the Impact of Diaspora: Successes and Failures**

The Albanian Constitution recognizes the existence and importance of Albanians outside the state territories and obliges the state to protect their rights. In its article 8, it stipulates that:

1. The Republic of Albania protects the national rights of the Albanian people who live outside its borders.
2. The Republic of Albania protects the rights of its citizens with a temporary or permanent residence outside its borders.
3. The Republic of Albania assures assistance for Albanians who live and work abroad in order to preserve and develop their ties with the national cultural inheritance.

Thus, it clearly differentiates between rights of Albanian people living abroad and rights of its citizens with temporary or permanent residence. In other words, it recognizes both existence of historical Diaspora (within Albanian people, even though this category includes also ethnic Albanian communities in the neighbouring countries, which do not fall under Diaspora) and the Albanian migrant communities. However, the constitutional principle was only in 2005 backed by strategic document dealing with migration, with approval of the National Strategy on Migration.

Until the year 2003, Albanian Governments, either ruled by the Socialist Party or the Democratic one, have not considered management of migration as a priority of the country, regardless of the overall dependence of Albania on the remittances. Other pressing needs or developments in the Albanian society, such as the political unrest in 1997, the need to strengthen the fragile state institutions and to install of the rule of law were the priorities of the political agendas/rhetoric of the Governmental Programs, regardless of the fact that Albania 'exported' only emigrants and survived only through emigrants' economic input. Until 2005, Governmental programs and the legislation did not include any facility or specific provisions targeting traditional Diaspora, in order to trigger it for investments in the country, regardless of its members' interest (initially) to come and invest in Albania.

Migration has been individually organized. Due to high demand for emigration, there has been a flourishing of criminal networks run by smugglers and traffickers, which gradually made Albania the most favourable route for third country nationals crossing borders illegally toward EU member states. Considered as one of the top countries in Europe for migration rate and a transit route for illegal migration, Albania has been targeted by EU as a priority country to fight irregular migration since 1998 from the High Level Working Group on Migration and Asylum, which drafted an Action Plan for Albania (1999). The document envisaged *inter alia* that EU should finance initiatives for prevention of immigration flows (from Albania) and pressure Albania to combat illegal trafficking of migrants (HLWG: 1999). Albania was targeted for the second time within a list of 9 countries of priority such as China, Russia, Turkey, Libya, Morocco, and Tunisia for intensifying the dialogue and cooperation for joint migration management in 2002. Similarly, fight against illegal migration and management of migration in general have been key points of the Stabilisation and Association Agreement (SAA). The negotiations for the Albanian SAA started in 2003. The draft-SAA (as of 2003 version) included, *inter alia*, the obligation for management of migration, border control and conclusion of a Readmission Agreement with EC (Draft SAA, 2003: art.80 and SAA, 2006: Art.81).

Within this national and international context, in 2003 Albanian Government established a working group for drafting the National Strategy on Migration. The decision to start the work for a framework document on migration management was, to a great extent, result of the pressure of EC requiring Albania to address migration through a holistic approach and partly due to a growing awareness of the Governments of Albania on the overall impact on migration/Diaspora in the economic survival of the

country during the first decade after the fall of communism. The process of drafting such a document launched a wide political and public discourse on how to manage migration through orienting the emigrants and Diaspora in the overall development of the country. The objective was to strengthen the communities abroad while maximizing the benefits of migration for the development of Albania. Under such considerations, the working group composed of technical experts of the concerned ministries such as MOLSAEO, Ministry of Interior, Ministry of Foreign Affairs, Ministry of Education, Ministry of Culture, Employment Offices, under the direction of General Secretary of Prime-Ministry, finalized the National Strategy on Migration in 2004, which was subsequently endorsed in 16 November 2004 through the Decision of Council of Minister no. 760. The National Strategy was followed by the adoption of a detailed Action Plan on Migration, approved officially on 6 May 2005, by the Decision of Council of Ministers no. 296. It should be highlighted that the all process for drafting of the National Strategy on Migration has been financed and supported with technical assistance by EC in the framework of the CARDS Program, through a project managed by IOM. Thus, at least financially, the drafting of the most important policy document targeting migration and Diaspora, was not an internal effort.

With the change of the Government after elections in 2005, there was a fear among the experts and other actors involved in the drafting process, that the NSM would not be endorsed by the newly established government of Democratic Party, given that it was a document drafted and approved under a different party and under a different political programme. However, either due to the pressure of the EC Office in Albania or due to the general awareness on impact on emigration, the new government did not abrogate the NSM. In the contrary, the program of the new government ruled by Democratic Party launched in 2005, in terms of emigration contained specific referral to the National Strategy on Migration. The MOLSAEO included in its website most of the measures of the Action Plan on Migration, referring to them as the duties of the ministry towards management of emigration (website as of 2005-2008). At least, theoretically, the National Strategy on Migration has been referred to as constituting the basis of action for the Albanian Governments on Migration from 2005-2010.

It should be noted that the Albanian National Strategy on Migration is the first document in the Western Balkans that links migration with the development of the country. Its two main pillars of action are: a Strengthening the Diaspora and the Albanian emigrant Communities abroad;

b.Promotion of Diaspora to invest in the country and channelling remittances into investments in the country of origin. (NSM, 2004: Chapter 2).

Before briefly analyzing the measures of the NSM for strengthening the Diaspora, it is important to mention also one observation regarding the Albanian communities formed after 1991 in the host societies. They are characterized by a strong feeling of belonging to the home country, which has been associated with efforts to establish organizations focused on the national interests. One specific feature of such organizations is that the majority of them are not sustainable, have difficulties in fund-raising to maintain themselves. Their work focuses mostly on short term objectives such as celebrations of national independence dates and sporadic community socializing rather than having a long-term vision such as projected action towards protection of rights of emigrants, informative campaigns for the Albanian newcomer emigrants, improving the image of Albanian emigrants in the host society etc. These activities are of importance in particular Greece and Italy where Albanians are portrayed by media in several cases as criminals. In practice their work is very fragmented and they do not cooperate with each other, thus, their efforts do not have the same results as if they organized their activities in a concerted way (Devole, 2010 and Veliaj, 2010). The reasons behind such lack of cooperation with each other are not very clear. One reason is the vast separation of political affiliations, which indicates that post-socialist political identity actually transcends nationalism; the latter became the core Albanian identity under the communist regime, and which was presented as ‘traditional’. Other reasons are related to different levels of settlement or of interests. Struggle to get funding by the emigrants (they are mainly funded by emigrant members) can be also another factor. The organizations have not been supported at any time by the Governments of Albania. The Constitutional Principle of supporting the Albanian communities abroad has remained mostly of a declarative nature rather than juridical.

Taking in consideration this state of Art of the Albanian communities abroad, the working group drafting the National Strategy on Migration envisaged a specific chapter on unifying the Albanian communities abroad and their respective organisations under a single Diaspora and mobilizing such Diaspora towards the development the country, through, *inter alia*, the following measures:

- Creation and regular update of a database reflecting all the Albanian associations abroad with all their contact details.

- Organization of the first Congress of Diaspora in Tirana to define the national policies on Diaspora, based on the views of emigrants/Diaspora.
- Defining an Authority/structure for representing the Diaspora.
- Provision of books, organization of seminars for Albanian language, cooperation with the educational authorities of host countries to support with the existing premises, the organisation of language course for children of emigrants by Albanian communities abroad. (Action Plan on Migration, 2005: measures 32-36).

Such measures were further backed by a legislative package. In 2006, a new Law on Emigration of Albanian Citizens for Employment Purposes was approved by Albanian Parliament (Law no.9668/2006). By its name, this law covers emigrants who leave for employment purposes, which is in fact the majority of those who make Albanian emigrant communities abroad. The law aims to preserve national identity of emigrants and strengthen their ties with the homeland (art.29 of Law on Emigration). It obliges the MOLSAEO, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Education to take measures to strengthen communities abroad and to protect the rights of emigrants. It actually replicates some of the measures of the NSM, such as, the obligation of the responsible authorities to facilitate the voting of emigrants, obligation to support and strengthen the communities abroad, facilitation of the education of emigrant children, preservation of their language, culture, national inheritance and drafting of programs for orienting remittances toward productive investments in the country.

The main objective of the law, similarly to the NSM is to avoid the dependence of the state/Albanian families from the remittances of emigrants, through finding alternative sustainable solutions. Thus, if emigrants are made aware of business possibilities in the country, if the establishment of a business is facilitated by swift procedures, it is more likely that emigrants invest. Investment in areas of interests such as agriculture, tourism etc, would also generate employment opportunities in the country, which naturally will reduce the requests for emigration. Such approach is in line with the EC Communication “Migration and development: some concrete orientations” (COM (2005) 390), which aims at channelling migration towards the development of the home countries. Recognising the Albanian economic dependence on money sent by emigrants, National Strategy emphasizes that development should not be considered as survival through remittances of emigrants but must be sustainable. As such, (new) Diaspora should be oriented towards investments as opposed to daily consumption.

For this reason, Albania should create the relevant facilities for triggering migrants towards sustainable investments. NSM also envisages the need to attract Diaspora to the country, in particular for tourism and investments.

Pursuant to such measures, the Prime Minister of Albania, Sali Berisha articulated what was considered as a strategic approach- the '*Albania one euro*' initiative- in 2006. This initiative was believed to target in particular the traditional Diaspora and emigrant communities. Prime minister Berisha launched in all the media that Albania would be the cheapest and best country for investors, who could buy land for 1 euro, hire employees for 1 euro, buy and use technological water for one euro and other services such as registration of the business for one euro, enter into Albania for one euro etc (i.e BBC: 2006; Shekulli: 2006). The declaration was further followed by declarations of representatives of Ministry of Territory or Ministry of Finance which mention that there is free-unused land in Albania that can be sold to strategic investors for 1 euro (Austin: 2006). While this might be the case with the land, technological water or registration fee, it is not clear, how the Albanian Government would subject labour force to work for 1 euro!

In practice the '*Albania one euro*' initiative targeting Diaspora and emigrants has not been implemented, at least during the last 4 years. Soon it was seen that it was a hasty declaration as the national legislation did not provide adequate legal provisions. One of the problems was that it could be subject to abuse, as Albanians residents in the country (former emigrants) could claim 'Diaspora' status and buy/invest under the 'one euro' programe. Also, it was not clear what would be subject to 'one euro cost', in a situation where most of the property in Albania is privately owned. Moreover, after the first declarations targeting first and foremost, the investors from the Albanian Diaspora, the '*Albania one euro*' motto was re-designed and re-launched only for foreign investors and not as an incentive for emigrants/diaspora. It has yet to be evaluated whether this initiative is/will function for the foreign investors.

Another document approved by Albanian Government for development of the country through migration, is the National Action Plan on Remittances, which was drafted pursuant to the measure 66 of the NSM/National Action Plan on Migration. The Action Plan contains 8 measures, which are mainly focused on enhancing and developing legal channels for transfer of remittances to Albania. While most of the measures of the Action Plan on Remittances are either a replication of NSM or subject to private sector action, such as banks and micro credit institutions, the very essence of the Action Plan on Remittances rests in its ability to orient remittances of migrants into investment in the country. However, the

measure envisaged for such purpose (measure 7) deals only with provision of information regarding the means to transfer remittances or on the Albanian legislation on business, but does not include any incentive for migrants to send and invest remittances in the country. Given the gradual development of the banking system and other micro-credit institutions in money transfer, the measures oriented at the formal channels have already been implemented naturally, in a market economy system, without any referral or without any support from the Action Plan on Remittances. Migrants/Diaspora are not under favourable regime regarding establishment of a business in the country, such as registration procedures, facilities for state loans, facilities in transferring the money etc, which were the expectations from this Action Plan. Thus, it may be said that also in this area, there is little done in practice to fulfil the strategic objective of sustainable investment in the country through remittances of emigrants.

Following the adoption of the National Strategy on Migration and its implementing action plan, a Decision on Council of Ministers (DCM) no.194/2006 'On establishment of the National Institute of Diaspora' was also approved. The latter envisages the establishment of a specific structure affiliated to the Council of Ministers, with a special financial and decision making autonomy in order that it has the entire mandate and capacities in fulfilment of the policies on Diaspora (as per the measure 62 of the Action Plan, which stipulates an Agency on Migration). However, even though the DCM 194/2006 was approved as a requirement of such measure, instead of establishing an autonomous agency, it simply reinforced the existing Institute of Diaspora within the Ministry of Foreign Affairs (MFA). It provided a detailed prescription of tasks of the National Institute of Diaspora, but did not substantially enhance its human, financial and decision making capacities. Currently, the National Institute of Diaspora does not have the capacities to organize the first Congress of Diaspora, as the first step towards its unification and mobilization, or accomplish other related tasks. Thus, even though a database of organizations abroad has already been finalized by a European Commission's Project on Implementation of the National Action Plan on Migration to support the work of National Institute, such database is not accessible due to the lack of a dedicated website of the Institute of Diaspora, within the MFA. As of December 2010, the Institute consisted of only 3 officials, who are not given the seniority to decide on key issues such as a Congress of Diaspora. In particular, they are under a very tight budget, which creates problems regarding publication of documents such as leaflets or reports prepared by Institute of Diaspora in the course of its work, or displaying information in its webpage, given the lack of such a webpage.

Similarly, nothing has been done in practice for implementation of the measures of the National strategy on Migration/National Action Plan regarding the right to vote of emigrants. The National Action Plan on Migration required the Ministry of Interior and Ministry of Foreign Affairs to commission a Feasibility Study during the year 2006, for analysing the best option/modus operandi to enable emigrants to vote from abroad. The findings of the Feasibility Study would have been the basis for establishment of the relevant infrastructure enabling migrants to vote during the general elections held in 2009. This political objective has been further sanctioned by the Law on Emigration for Employment Purposes, which provides in its Article 6 that emigrants have the right to vote and that respective authorities will take all the measures for implementation in practice of such a right. Actually, not a single step has been taken towards fulfilment of such a measure, regardless of legal stipulation and political commitment. The Feasibility study was not carried out at all. Most emigrants, both short term and long term still do not vote through Albanian embassies or electronically, or in any other way from abroad, but have to travel for days to come Albania, in the designated voting station (as per their place residence in Albania), which practically makes this right impossible to exercise. The main political parties in Albania- Democratic and Socialist Party that have governed Albania during the last 20 years, include in their electoral rhetoric only the promise to assist and protect the rights of emigrants but they do not discuss on any possibility for emigrants to exercise their basic political right- to vote in their home country. If we take in consideration that migrants' remittances have been the main arteries of the Albanian economy, not enabling migrants to vote on how their remittances are governed, is injustice to them.

## **Conclusions**

The overall impact of Diaspora on Albanian society is an undisputed fact. It has influenced the relevant structures to draft respective legislation and policies, aiming to maximize benefits from Diaspora/Migrant Communities. National Strategy on Migration, it's implementing Action Plan and pursuant to them, National Action Plan on Remittances, are clear indications of such impact in the development of the policies of the Albanian Governments. Given the number of emigrants and the (potential) influence of the Albanian traditional Diaspora, it was not a surprise that Albania was the first country to Western Balkans to draft a National Strategy on Migration with a holistic

approach, clearly linking emigration and development, pursuant also to the EC guidelines on migration management.

However, as mentioned in this paper, the political response on the crucial impact of Diaspora is suffering the same problem faced in Albania in general: the huge gap between the legal and political commitment and the reality. Thus, while the political documents and legal acts provide for specific measures, there is almost no implementation in practice. In fact, this should be considered an indication for the Diaspora, that the legal and political commitments still do not 'keep their word' in Albania. This is a different standard from what they find in the host countries, where the principle of legal security is the basis of the whole system, in order to enable everyone to plan own activities, pursuant to political or legal stipulations.

Regardless of the political documents and legislation, members of the Diaspora are practically left to their own initiative, with a fragmented reaction, pursuant to the concrete needs and possibilities of its individual members. While the *laissez faire* approach can be considered beneficial in theory, in the case of Albania, such an approach cannot successfully attract members of the Diaspora to invest. This is due to low living standards, problems regarding property ownership (which is the primary requirement for establishment of a business), the level of corruption and the dysfunctional judicial system. Loyalty of members of Diaspora to their homeland and their interest for development of the country can not be turned into a life adventure when it comes to investing their lifetime savings, in particular when the rule of law is not properly established, or when there is a practice of political promises but constant failure in practice.

However, it cannot be disputed that the adoption of several legal and political instruments in the last 15 years in Albania has been a result of the impact or of the potential impact of migration and Diaspora in the country. Hence, Albanian Governments should take seriously their commitments regarding Diaspora and migrants, given their role in the alleviation of the poverty and in keeping down the unemployment pressure in the country during the last 20 years. Thus, it is suggested that the National Strategy on Migration be re-evaluated so that it includes measures that are feasible for implementation during the coming years. This is the momentum for the Government of Albania, as the existing strategy was envisaged for the period 2005-2010. The new document should first analyse the difficulties faced by the responsible structures for implementation of the measures targeting Diaspora and assess the possibilities for addressing such difficulties. Otherwise, excellent measures without proper executing capacities will have the same result as not having a strategy at all.

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# Corruption and its Prevention Pursuant to Legislation of the Republic of Kosovo

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## Abstract

This article presents and analyses the applicable legislation of the Republic of Kosovo, in the field of corruption and its prevention. Corruption, as a harmful and negative social feature, is widely spread in Kosovo and represents a major challenge for the new country, hence having an impact over the deprivation of rule of law and implementation of reforms, as well as resulting in serious interference toward the development of Kosovo's economy and democracy. It is undermining economic stability, the rule of law and is vacillating, the public trust toward the post war established institutions. Several advanced laws have been approved in Kosovo, in the field of prevention and in combating corruption, even while political willingness is lacking in the area of proper implementation. The aim of this scientific work is to highlight the most prominent legal instruments in Kosovo, related to corruption, particularly in prevention and combating corruption. With this work it is intended to make proper proposals in regard to the promulgation of other legal provisions and to improve those existing, as well as to make proposals and suggestions on building the best mechanisms and practices for the application of laws in the field of prevention and combating of corruption in Kosovo. Prevention is all about intervening before the corrupt conduct occurs.

**Key word:** agency, corruption, conflict of interest, Kosovo, official document, senior official person, strategy.

## Abstrakt

Në këtë punim prezantohet dhe analizohet legjislacioni pozitiv i Republikës së Kosovës në fushën e korrupsionit dhe të parandalimit të tij. Korrupsioni, si një dukuri e dëmshme edhe negative shoqërore është mjaft i përhapur në Kosovë dhe po paraqet një sfidë të madhe për shtetin e ri, duke ndikuar në dobësimin e sundimit të ligjit dhe zbatimin e reformave, si dhe njëkohësisht po paraqet edhe një pengesë serioze në zhvillimin ekonomik dhe të demokracisë kosovare. Ai pominon stabilitetin ekonomik, shtetin e së drejtës si dhe ka lëkundur edhe besimin e publikut tek institucionet e krijuara pas luftës. Në Kosovë janë miratuar disa ligje të avancuara në fushën e parandalimit dhe luftimit të korrupsionit, por akoma mungon vullneti politik për zbatimin e mirëfilltë të tyre. Qëllimi i këtij punimi shkencor është të hedh dritë lidhur me aktet ligjore më të njohura të Kosovës, të cilat kanë të bëjnë me korrupsionin, e veçmas me parandalimin dhe luftimit të tij. Po ashtu, ky punim ka për qëllim që të bëjë propozime adekuate lidhur me nxjerrjen e dispozitave tjera juridike dhe me përsosjen e atyre ekzistuese, si dhe të bëjë propozime dhe sugjerime lidhur me ndërtimin e mekanizmave dhe praktikave më të mira të zbatimit të ligjeve në fushën e parandalimit dhe luftimit të korrupsionit në Kosovë.

**Fjalëtkyç:** Agjencia, dokumentzyrtar, Kosova, korrupsioni, konfliktinteresi, person zyrtar i lartë, strategjia.

## Апстракт

Во овој труд се презентира и се анализира применетото законодавство на Република Косово, во областа на корупцијата и соодветната заштита. Корупцијата, како штетна и негативна општествена карактеристика е нашироко распространета во Косово и претставува главен предизвик за новата држава, оттука има влијание врз недостаток од владеење на право и имплементација на реформите и предизвикува сериозна попреченост за развојот на економијата и демократијата на Косово. Корупцијата ја ослабува економската стабилност, владеењето на правото и ја колеба довербата на јавноста во постојено воспоставените институции. Во Косово се усвоија неколку закони кои се однесуваат на превенција и борба на корупцијата иако нема доволно политичка волја во однос на нивна целосна имплементација. Целта на овој научен труд е да се истакнат најзначајните правни инструменти во Косово кои се однесуваат на корупцијата особено на заштитата и борбата против корупцијата. Со овој труд сакаме да дадеме соодветни предлози за објавување нови правни одредби и подобрување на постојните како и да се дадат предлози и сугестии за изградба на најдобри механизми и практики за апликација на правото во областа на заштитата и борбата против корупцијата во Косово. Превенцијата е делување пред појава на корумпирано однесување.

**Клучни зборови:** агенција, корупција, конфликт на интереси, Косово, официјален документ, виш службеник, стратегија.

## Meaning and Situation of Corruption in Kosovo

Corruption, as a harmful social phenomenon, is as old as the state itself. The historical origins of this negative phenomenon are related to the rise of the first states and establishment of state power. Upon establishment of the state, more opportunities are made available to use and misuse it for close material interests of comprising governors. Among oldest of these cases are those appearing in India, approximately 2300 years ago. Whilst, in China, since 221-207 BC, the Criminal Code of Qin Dynasty, foresaw the corruption phenomenon as harming it seriously (Koha Ditore 2010: 11). This negative phenomenon continues to be present even today, and almost no society is immune to it. The phenomenon is especially widely spread in countries in transition, such as Kosovo. The phenomenon of corruption in Kosovo, and similarly with other states from the Former Yugoslav Federation, has its footholds in the Communist system. In Kosovo, corruptive practices became sophisticated tool and method to survive particularly after the 1980's, when the Serbian regime of S. Milosevic came to power and violently ruled over the Kosovo, applying discriminative politics against the ethnic Albanian population, by closing the schools, causing massive unemployment by terminating most of Kosovo Albanians from public state institutions. This negative phenomenon continues to be present even nowadays, including in the Republic of Kosovo. Corruption remains one of the acute problems, which undermines the economical stability of the country, the state of law, and results in a deep-seated questioning of public trust toward newly established institutions after the war.

In general and all-inclusive comprehension, corruption shall be defined as a misuse of power/ responsibilities given in public and private sector for personal benefits (Anti corruption Strategy 2009-2011: 8). This definition includes corruption in public sector and corruption within political parties, the private business sector, associations, non-governmental organizations and society in general. In addition, as per this definition, corruption is not only for purpose of personal benefit, but includes benefits for family, relatives, friends, persons or organizations, which are related to business or politics. Pursuant to Law against corruption of Kosovo, the term corruption refers to: "every violation of duty of official persons or responsible persons in legal entities and every activity of initiators or beneficiaries of such behavior, committed in response to a directly or indirectly promised, offered, given, demanded, accepted or expected reward for oneself or some other person" (Suppression of Corruption Law No. 2004/34: art.2). Whilst,

pursuant to Law on Agency against corruption of Kosovo, the term corruption includes “any abuse of power or any other behavior of official person, responsible person or other person for the purpose of achieving or obtain of an advantage for himself or for illegal profit for his/her self or any other person” (Law No. 03/L-159 on Anti corruption Agency: art.2).

In the Republic of Kosovo, based on details of reports and other studies, published during 2008-2010, concerning situation survey, public perception, causes and consequences of corruption, it is obvious that corruption is still widely spread and represents a major challenge for the new state, resulting in the deprivation of rule of law and reform implementation, as well as major obstacle in economical development and democracy in Kosovo (Kosovo Anti-corruption Strategy 2009-2011: 4). It also represents a country with a bad image in the world. The European Commission in the Progress Report for Kosovo, published recently, has identified numerous gaps and deprivations in the political fields, including public administration and politics against corruption (Progress Report from European Commission for Kosovo 2010). In particular, it is estimated that civil servants are still affected by political interferences, corruptive practices and nepotism. Concerns are raised also for the transparency of the work of the Assembly, weak cooperation among Government and Ombudsperson, independence and inefficiency of law enforcement authorities and judiciary dealing in cases involving corruptive actions (Kosovo Anti-corruption Strategy 2009-2011: 4). Also, in the field of economic development, corruption is specified as a major interference in the development of economic activity (Kosovo Anti-corruption Strategy 2009-2011: 4). This is related to numerous problems concerning the corruption situation and the lack of application of European standards in certain fields such as taxes, competition, public procurements, information associations and media, financial control, fighting money laundering, drugs and organized crime as well as police activity.

In the view of the Early Warning Report organized by the United Nations Development Program (UNDP) in Kosovo, for 2009, corruption is listed the fifth among the major problems, which are facing Kosovo (Early Warning Report 2009). Pursuant to this report, institutions which have the highest level of corruption in Kosovo are: Kosovo Energy Corporation, Kosovo Trust Agency, Customs, Kosovo Post and Telecommunication, Central Administration, courts, health services and UNMIK Police. Details within the Annual Report 2009 of the Kosovo Corruption Agency provide numerous reported corruption cases, which are expanded in Kosovo Public institutions and authorities (Anti-corruption Kosovo Agency Annual Report 2009).

Whereas, according to Global Corruption Barometer 2010, organized by Transparency International, which monitors the level of corruption in the world, Kosovo is listed as 110th, with an estimation of 2,8 points, among 178 states of the world (Transparency International Corruption Perceptions Index 2010). It is listed in the group of countries with the highest level of corruption, including: Zambia, Algeria, Argentina, Kazakhstan, Moldavia, Senegal, Benin, Bolivia, Tanzania, Mozambique etc. Also when compared with other neighbor states, Kosovo is still not in a good position, as it is under the countries of the region. Transparency International applies evaluation 10 (highly clean) to 0 (highly corrupt) for the level of corruption (Corruption Perception Index (CPI) for 2010). Estimations of this international organization bring perception of every country regarding the level of corruption, legacy against corruptive affairs and demonstration of political will. Having regarded details of this organization, in Kosovo, a considerable number of interviewed individuals testified that whenever they needed services they had to give bribes. Additionally, the majority of interviewed individuals believe that the efforts of Government to combat corruption are ineffective.

The presence of corruption in Kosovo is the result of numerous causes and favoring circumstances. Assessments conducted by the international bodies, indicate a lack of clear political willingness to combat corruption. Insufficient legal and executive measures are among the main reasons for situation. Also, in this aspect, low salaries of public officials are mentioned, lack of strict administrative controls, lack of effectiveness of court system, derived problems from communism, motive for fast wealth etc. Therefore, with the aim of prevention and combating the corruption phenomenon in Kosovo, it is necessary to make several reforms, in particular: to strengthen the judiciary and other rule of law institutions; reformation of public administration, especially in public procurement practices; apolitical administration, an increase of transparency among public institutions; ensure independence of media and freedom of speech, further completion of legislation etc.

## **Legislation and Other Legal Acts of Kosovo, in the Prevention and Combating of Corruption**

After the end of the war in Kosovo and its liberation, pursuant to Resolution no. 1244, of the UN Security Council, date 10 June 1999, in Kosovo was deployed an international, civilian and military presence. With the introduction of the United Nations Mission In Kosovo (UNMIK), naturally Yugoslav legislation ceases to apply, respectively Serbian legislation in Kosovo. During the post war period, Kosovo faced an institutional and legal vacuum, as a consequence of the lack of laws. Aiming to supplement the legal vacuum in post war Kosovo, UNMIK commenced the promulgation of legal acts in the form of UN regulations. Among first of these regulations was Regulation no. 1999/1, 25 July 1999 “On the Authority of Interim Administration in Kosovo”. Whilst, aiming to avoid lack of legal acts for the post war period in Kosovo, UNMIK promulgates Regulation no. 1999/24, date 12 October 1999 “On the applicable law in Kosovo”, where pursuant to article 1, clause 1.1, applicable law in Kosovo include: Regulations promulgated by the Special Representative of the Secretary General (SRSG) of UN and supporting instruments rendered in pursuit with those regulations, as well as applicable legislations in Kosovo, on 22 March 1989 (UNMIK Regulation No. 1999/24). Pursuant to this regulation, in case of conflict among these two legal acts, regulations and supporting instruments rendered in pursuit with these regulations shall prevail. In the post war period in Kosovo, meanwhile the need to build the new Kosovo legislation was laid down, which would be in accordance with international standards of developed countries. In this aspect, important codes and laws have been drafted and approved in the field of prevention and combat of corruption in Kosovo. Laws and other legal important acts in this field are particularly approved after promulgation of independence of Kosovo, on 17 February 2008.

Herein, briefly will be presented and analyzed several better known applicable acts in Republic of Kosovo, which are related to corruption in Kosovo, as well as regarding its prevention and combat.

## **Suppression of Corruption Law**

Law No. 2004/34 Suppression of Corruption Law is one of the first and special importance laws in the field of prevention and combat of corruption in Kosovo. This Law foresees anti-corruption measures, particularly in the field of administrative investigation of public corruption, eliminating the causes of corruption, the incompatibility of holding public office and performing profit-making activities for official persons, restrictions regarding the acceptance of gifts in connection with the execution of office, supervision of personal assets and those of persons from their domestic relationship, and restrictions regarding contracting entities participating in public tenders conducting business transactions with firms in which the official person or person from his/her domestic relationship is involved (Art.1). With this law several important definitions are given as follow: “corruption”, “official person”, “responsible person in legal entity”, “senior official person”, “domestic relationship”, “serious corruptive offence”, “personal advantage” etc. Pursuant to this law, “senior official person” shall mean: the President of Kosovo, the Prime Minister, the Chairperson and members of the Parliament, Ministers, and Secretaries of the Government, permanent Secretaries, and Directors of offices within ministries, judges and prosecutors as well as international senior officials (Art.2).

With the Suppression of Corruption Law, for the first time in Kosovo, was established the Anti-Corruption Agency, as an independent and specialized body for combating and preventing corruption, and the coordination of anti-corruption policies in Kosovo. This Agency was established in July 2006 and started functioning on 12 February 2007 (Kosovo Anti-corruption Agency (Brief description) 2009). The purpose and work of this agency is focused on the detection and investigation of corruption cases, efforts in prevention and combating corruption, to assist the building of healthy and advanced society based on the state of law. The Anti-corruption Law details the authorities of the Anti-Corruption Agency as well as the internal organization of this agency. The work of the Anti-Corruption Agency is supervised by the Council of the Agency, which is a panel comprised of 9 (nine) members: 3 (three) of which are appointed by the Assembly, and 1 (one) representative appointed by each of the following offices; the President’s Office, Government, Supreme Court, Public Prosecutor’s Office, local authorities and civil society (Suppression of Corruption Law: art.19). Agency Council members have a mandate of two years of duty and may be reappointed. Pursuant to provisions of this law the Agency Council shall be given regular and complete inspection of the

Agency's work, and supervisions of assets of the official persons working in the Agency. To this end, the director of the Agency shall report to the Agency Council every six months on the contents and extent of supervision of assets, and on the findings of the Agency regarding incompatibility, conflict of interests, gifts and concluded investigations, as well as the work and detailed activities performed by the Agency during the reported period. The Agency Council shall have a President and Deputy President elected by the members of the Agency Council from among themselves for a period of two years, and rules of procedure which shall regulate the details of the working of the Agency Council.

The Kosovo Anti-Corruption Agency bases its work on several known principles such as: principle of legality, principle of equality before law, principle of impartiality, principle of acting based on general interest, principle of transparency, principle of confidentiality, principle of effectiveness and principle of economization (Kosovo Anti-corruption Agency procedural rules: arts. 4-12). This Agency initiates investigation upon a party's request or as required by official duty (*ex officio*). Investigations upon a party's request may be initiated by any natural or legal person, whilst the request to initiate investigations may be submitted directly to the Agency in writing, through the post or other forms of communication. The Kosovo Anti-Corruption Agency is obliged to review the address and, within 60 days of receiving the request, to inform the individual or the legal entity about the findings following the address (Suppression of Corruption Law: art. 5.2). Procedural Rules of the agency regulate in details the procedure related to the development of investigation upon a party's request or as required with official duty (*ex officio*), by protecting the confidentiality of gathered data. These rules stipulate the procedures of property supervision, conflict of interest, and the acceptance of gifts by elected officials in institutions where the official may work. Pursuant to Anti-Corruption Law, members of the Agency, the Agency Council and any persons employed by the Agency shall be required to guard as an official secret any information acquired by the Agency in the execution of its duties that is considered an official secret (Art. 44.1). In accordance with provisions of the Suppression of Corruption Law (Art. 23 c), the Agency is required to prepare anti corruption strategy, document that is approved by the Kosovo Assembly, containing policies against corruption, which shall be implemented by respective institutions of the Republic of Kosovo, in a central and local level.

Pursuant to provisions of the Suppression of Corruption Law, the Head of the Kosovo Anti-corruption Agency is the Director of the Agency, who shall represent, lead and organize the work of the Agency and, in accordance with the law, shall carry all other powers and responsibilities of heads of the body (Art.12). This law also sets forth procedure to appoint and discharge the Director of the Agency. The Anti-corruption Law contains provisions related to conflicts of interest: acceptance of gifts; supervision of assets, data protection and storage, record keeping, confidentiality of information and the provisions referred to administrative sanctions.

### **Law on Anti-Corruption Agency**

Law No. 03/L-159 on Anti-Corruption Agency, which entered into force in 2010, contains important provisions, which refer to the status and responsibilities of the Anti-Corruption Agency, in the field of combat and prevention of corruption, especially in the field of reporting, detection and investigation of corruption, implementation of strategy and Anti-Corruption Action Plan. Pursuant to this law, the Agency is an independent body and specialized to implement state policies to combat and prevent corruption in Kosovo (Art. 23). The Agency has the following competences: 1. Initiates and undertakes the detection and preliminary investigation procedure of corruption, and forward criminal charges if, for the suspected cases of corruption in competent public prosecutors office, if for the same case the criminal procedure has not been undertaken; 2. Cooperates with local and international institutions that have as a mission fighting and preventing corruption; 3. In cooperation with the Commission, Government, other Institutions and non-government organizations prepares Strategy against corruption and action plan; 4. Monitors and supervises the implementation of the Strategy against corruption and action plan; 5. Supervises and prevents cases of conflict of interest and undertakes the measures as foreseen by a special Law; 6. Supervises the property of senior public officials and other persons, as required by special Law; 7. Supervises the acceptance of gifts relating to the performance of official duty and undertakes measures foreseen by Law; 8. Cooperates with public authorities responsible for drafting, implementation and harmonization of legislation for combating and preventing corruption; 9. It is represented in international meetings that have to do with combating and preventing corruption and takes part in the process of negotiations to conclude bilateral and multilateral agreements or the adoption of international legal instruments against corruption; 10. Cooperates with the competent institutions of the Republic of Kosovo for the

implementation of obligations arising from international acts against corruption and offers recommendations for their completion; 11. Participates and offer advice on drafting the code of ethics in the public and private sectors; 12. Provides opinions regarding conflicts of interest and the supervision of gifts related to the performance of official duty; 13. Offers clarification regarding the manner of declaration of wealth and issues from the scope of the Agency; 14. Collects, analyses and publishes statistical data or other data regarding the state of corruption in Kosovo; 15. Cooperates with state institutions and civil society for raising public awareness about corruption; 16. Reports to the Assembly once a year and to the Commission every six (6) months for the work of the Agency. The Commission may request more frequent reports from the Agency; 17. Prepares and proposes the annual budget of the Agency (Art. 5).

The law on the Anti-corruption Agency also contains provisions, which set forth the authorities of the Agency Supervisory Board. According to this Law, The Oversight Committee of the Agency has the following competences: 1. Reviews the reports of the Agency; 2. Supervises and periodically assess the performance of the Director of the Agency; 3. Initiates the procedure for selection and dismissal of the Director of the Agency; 4. Upon the submission of the report of the Agency, the Committee may request a special report regarding the cases the Agency has terminated the investigations; 5. The report shall comprise the clarification regarding the reasons for closing these cases without mentioning the identity or the personal data of the investigated people; 6. Controls and supervises the wealth stated by senior officials of the Agency and the conflict of interest cases in accordance with the rules and procedure by special Laws (Art. 14).

This law contains provisions referring to the Anti-Corruption Strategy and Anti Corruption Action Plan. Pursuant to this law, the Agency together with the Government and other governmental and non-governmental institutions drafts the Anti corruption Strategy (Art. 16). The Anti Corruption Agency, for the period 2009-2011, is approved by the Kosovo Assembly in 2009, and represents the comprehensive document which sets forth the objectives of policies against corruption in Kosovo for the period 2009-2011. The Strategy identifies and determines priority sectors where the war against corruption and specific objectives against corruption shall be implemented by every institution involved in the category of priority sectors. The anti corruption strategy is focused in the seven priority sectors: Political Sector, Local Government, Central Public Administration, Monitoring and Law Enforcement Agencies and the Judiciary, Public Finances and their Management, Private Sector/ Business Operations and Civil Society (Anti-

corruption Strategy 2009-2011: 10-16). In addition, a special chapter of this Strategy is dedicated to international cooperation. Provisions of this law require the anti-corruption Agency, with the aim of implementation of anti-corruption Strategy, to draft an Action Plan against corruption in cooperation with the responsible institutions of the Republic of Kosovo, a document that contains concrete measures against corruption that must be implemented by institutions in the central and at the local level of government. The Agency monitors the implementation of the Action Plan against Corruption by the Kosovo institutions at the central level and the local level. And for the progress of implementation of Strategy and Action Plan, the Agency reports to the Kosovo Assembly in its annual report (Law on Anti-corruption Agency: art.17).

The Law on anti-corruption Agency contains provisions, which regulate preliminary investigation procedure in data protection and storage, record keeping and confidentiality of information. Pursuant to provisions of this law, the Agency conducts the procedure of preliminary investigation in case of suspicion of corruption, according to: 1. official duty; or 2. according to the information received by natural and legal persons (Art. 18, para.1). During the period for 2009, Kosovo Anti Corruption Agency, through the Department of Investigation has received a considerable number of cases of suspicion of corruption; respectively total 175 cases (Anti-corruption Kosovo Agency Annual Report 2009). This number is obviously higher than previous years, which is evidence of an increase in citizens' trust toward the Agency's work. Based on data of the Annual Report of Kosovo Anti corruption Agency, for 2009, which is referred to cases of suspicion of corruption filed by citizens and those investigated as per official duty by the Agency, related to officials in institutions and bodies as follow: courts with 53 cases or 30,2%; other institutions (International Airport of Prishtina, Post and Telecommunication of Kosovo, Kosovo Energy Corporation, Kosovo Railways, Kosovo Privatization Agency, former Socially Owned Enterprises, Kosovo Customs etc.) with 43 corruptive cases or 24,5%; Government of Republic of Kosovo (ministries and agencies acting within designated ministries) with 34 cases or 19,4%; local government (municipalities of Republic of Kosovo) with 31 cases or 17,7%; and the procurements of Republic of Kosovo with 14 or 8% of cases with suspicion of corruption (Anti-corruption Kosovo Agency Annual Report 2009).

In compliance with provisions of the Law on Anti Corruption Agency (Art.5, para.1.1), the Agency, upon preliminary review of the cases with suspicion of corruption, gathering sufficient evidences to verify the alleged facts for these actions of officials in public institutions and other bodies, and

upon the completion of investigation procedure, has forwarded the cases to the competent designated public prosecutions. The Kosovo Anti Corruption Agency, during the period 2009, has forwarded to the competent public prosecutions in Kosovo and EULEX prosecutions total 68 information, respectively 38,8% of all received cases with suspicion of corruption. According to Anti-corruption Kosovo Agency Annual Report for 2009, the structure of criminal actions pursuant to the Criminal Code of Kosovo, related to which the information are forwarded to the competent public prosecutions are as follow: Misuse of economic authorizations (article 236), Entering into harmful contracts (article 237), Abusing official position or authority (article 339), Misappropriation in office (article 340), Accepting bribes (article 343); and Falsifying official documents (article 348). Therefore, as it is noticed, these criminal actions are mainly foreseen in the chapter of criminal actions, against the official duty and the chapter of criminal actions against economy, as chapters of the Criminal Code of Kosovo, where a wider opportunity is available for commission of corruptive actions.

### **Criminal Code of Kosovo and Criminal Procedure Code of Kosovo**

**Criminal Code of Kosovo.** The Criminal Code of Kosovo, which was promulgated with UNMIK Regulation No.2003/25 and entered into force on 6 April 2004, whereby numerous principal solutions are approved, institutes and incriminations from the criminal codes of developed European countries and conventions and other international relevant acts, foresee provisions related to the prevention and combating corruption. These provisions are mainly available in the special part of this Code, and are related to incrimination of various corruptive actions perpetrated by official persons. Pursuant to provisions of this code, the term “official person” means: 1. A person elected or appointed to a public entity; 2. An authorized person on a business organization or other legal person, who by law or by other provision issued in accordance with the law, exercises public authority, and who within this authority exercises specific duties; 3. A person who exercises specific duties, based on authorization provided for by law; 4. A person who is a member of UNMIK personnel or KFOR, without prejudice to the applicable privileges and immunities accorded to such person; 5. A person who is a member of a liaison offices in Kosovo; 6. A person in a public international or supranational organization who is recognized as an official or other contracted employee within the meaning of the staff regulations of such organizations; 7. A judge, prosecutor or other official in

an international tribunal, which exercises jurisdiction over Kosovo (Art.107, para.1).

Corruptive incriminated actions, which may be perpetrated by official persons, are available in several chapters of the Criminal Code of Kosovo. Hence, in chapter of criminal offences against economy, are foreseen several criminal offences which may be perpetrated also by the official persons in public institutions and other bodies such as: Misuse of economic authorizations (article 236), Entering into harmful contracts (article 237) etc., which actions are relatively frequent in Kosovo practice. Whilst, the major number of criminal offences related to corruption are foreseen within the chapter of criminal offences against official duty. Such criminal offences are: Abusing official position or authority (article 339), Misappropriation in office (article 340), Fraud in office (article 341), Accepting bribes (article 343), Falsifying official documents (article 348) etc. Provisions of this code clearly define the criminal offence: Accepting bribes (article 343), which is frequent in Kosovo practice. Pursuant to paragraph 1 of this article, criminal offence of accepting bribes is perpetrated by an official person who solicits or accepts a gift or some other benefit for himself, herself or another person or who accepts a promise of a gift or some other benefit to perform within the scope of his or her authority an official or other act which he or she should not perform or to fail to perform an official or other act which he or she should or could have performed (Art. 343, para.1). Commission of this criminal offence is determined with alternative manners: by soliciting a gift or some other benefit, by accepting a gift or some other benefit or by accepting a promise for a gift or other benefit. This code foresees sentences which may be imposed to official persons, if they are found guilty for corruptive criminal offences.

**Criminal Procedure Code of Kosovo.** Criminal Procedure Code of Kosovo, which was promulgated with UNMIK Regulation No.2003/26 and entered into force on 6 April 2004, also foresees numerous advanced provisions with modern solutions related to an increase of effectiveness of criminal procedure against perpetrators of criminal offences, including those criminal offences involving corruption. In this aspect, it is worth mentioning provisions related to technical measures of surveillance and investigations, of protection of witnesses, cooperative witnesses etc., even in cases related to serious corruption forms. Pursuant to provisions of this code, a covert or technical measure of surveillance or investigation are: Covert photographic or video surveillance; Covert monitoring of conversations; Search of postal items; Interception of telecommunications; Interception of communications by a computer network; Controlled delivery of postal items; Use of tracking

or positioning devices; A simulated purchase of an item; A simulation of a corruption offence; An undercover investigation; Metering of telephone-calls; and Disclosure of financial data (Art 256, para.1). Apparently, this code contains other provisions, updates and standards, which support the increase of effectiveness of criminal procedure against the perpetrators of criminal offences with elements of corruption.

### **Law on Declaration, Origin and Control of the Property and Gifts of Senior Public Officials**

Law No.03/L-151 On Declaration, Origin and Control of the Property and Gifts of Senior Public Officials, which entered into force in 2010, regulates the public control of the property of senior public officials, income or other material benefits, financial obligations of the public officials, family members and persons related to them, including the sanctions defined by this law (Art. 2). This law foresees several declarations of the property: 1. Regular annual declaration; 2. Declaration when taking the position as a senior public official; 3. Declaration when requested by the Agency; 4. Declaration after removal from function (Art. 6). The Responsible Body, for administering and maintaining records with data declared by obliged entities, pursuant to Law, is the Anti-Corruption Agency. Number and category of entities obliged to declare property pursuant to this law, are included with definition: "Senior Public official" (Art. 3). Based on annual regular declaration, the entities are obliged to declare their property state to the designated authority – Anti corruption Agency, not later than 31 March of each year. The law also foresees the right of the Agency to require from entities determined by law to publish their property data whether when taking over the function of the senior public official (within sixty days) or even upon completion of work with public service (within 30 days). In addition, the Agency is guaranteed with the right to, at any time; require from senior public official, to handover the information. Pursuant to data of the Anti-Corruption Agency, the number of senior public officials required to declare their properties in 2009 was 800, whereof 619 or 77,3% have declared their property within foreseen legal term (Anti-corruption Agency Annual Report 2009). However, in virtue of records published in June of 2010, general number of officials required to fulfill this obligation, 60 of them failed to declare their property in timely manner (Kosovo Democratic Institute 2010: 7).

Law on declaration, origin and control of the property and gifts of senior public officials, contains provisions referring to acceptance of gifts by official persons. Pursuant to this law, all received gifts and their value, as well as the name of persons receiving the gift, should be registered by the official person in the register of gifts determined by Agency and kept by the institution, in which the official person exercises the duty (Art.11). Register of the gifts is public; therefore, designated institutions are required to ensure access by the public to the register, in compliance with provisions of the Law on access to official documents.

This Law foresees punitive provisions, which refer to sanctions, which may be imposed on senior public officials who hesitate to declare their property or in a worse circumstance, make false declaration. Whilst several legislations have foreseen harsh measures against officials refusing to declare their property, by punishing them with termination of function and punishment with Criminal Code, as the case is with legislation of Albania, Republic of Kosovo in no circumstance has foreseen request for termination from employment of one person failing to declare the property. By virtue of provisions of this law, are foreseen measures much lighter punishable such as administrative offence which are fine punishments in amount of up to 1500 euro (failing to declare the property upon being required by the Agency), whilst the smallest fine punishment is 150 euro (failing to declare the property after finishing the work in function and in cases when not declaring the property when commencing the jobs). In addition, the Kosovo legislation is not determined in which cases the officials' behavior for not declaring the property commits criminal offence, which should have been sanctioned pursuant to state criminal legislation.

Law on declaration, origin and control of the property and gifts of senior public officials of Kosovo, certainly establish the legal ground for declaration of property of senior public officials and serves as a prevention measure for an efficient combat against corruption and prevention of misuse of public funds. The obligation for declaration of property of senior public officials enables promotion of transparency and higher accountability and supports the building of legal state and democracy in the state. However, the establishment of legal ground is insufficient if the political willingness and appropriate mechanisms for implementation of this law are not available. This is also obviously noticed with publication of Progress Report 2010 for Kosovo, whereby it is specified that a serious problem in a combat against corruption in Kosovo, remains the property of politicians and declaration of this property, as pursuant to online publishing of property by the Anti-corruption Agency, a huge disproportion is noticed among real and declared property of politicians (Kosova Sot 2010: 4), which proves a lack of political will to combat corruption.

## **Law on Preventing Conflict of Interest in Exercising Public Function**

Law No. 02/L-133 On Preventing Conflict of Interest in Exercising Public Function, which adopted in 2008, aims to prevent conflict between public interest and private interest of official in exercising public function. According to this law, a conflict of interest is a situation of non-compliance between the official duty and the private interest of an official, where while exercising his/her function the official or related person has private wealth interest or personal non-wealth interest, direct or indirect, that influences or may influence in correctly accomplishing the public function, when in situations of possible violations of principles, limitations, or obligations under the provisions of the present Law (Art. 7). This law contains provisions which refer to the behavior of an official's, principles of an official action, forbidden actions of an official, limitations of an official after finishing from exercising public function, membership of an official in non-governmental organizations, obligations of an official in prevention of conflict of interest, transfer of rights to manage the enterprise, sanctions for violation of provisions of this law etc. Pursuant to provisions of this law, the official cannot be a manager or member of any managing or inspecting body of private enterprises (Art.17 A). Central Authority for implementation of this law is the Anti-Corruption Agency. Whilst, the procedure from the Agency begins officially by the Agency itself, with the initiative of supervisory leader, supervisory body of the official, or with the request of the official himself (Art. 20). Procedure initiated by the Agency in this case with suspicion of violation is closed for public. Upon development of foreseen procedures, the Agency in written renders, whether the official's actions subject to suspicion represent violation of this law.

The Anti-Corruption Agency, through the Prevention Department, so far has developed numerous activities aimed at warning senior public officials to avoid cases involving conflict of interest. Hence, during 2009, the Agency has registered a total of 47 cases of possible conflicts of interest (Anti-corruption Agency Annual Report 2009). In 15 cases, preliminary notices have been issued on the existence of a conflict of interest, 6 of which resulted in avoiding elements of conflict of interest and 9 of them are in procedure. Whilst other cases resulted in no elements of conflict of interest. In addition, during this time, the Agency, in 5 cases, has received official memorandums requiring its opinion on possible situation involving conflicts of interest.

## **Other Legal Acts**

In the field of corruption and its prevention in Kosovo, other provisions and legal acts are significant, such as those related to access to official documents, Kosovo Civil Service, administrative procedure etc., whereof these provisions function in an increase of transparency and state functions and in general effect the preventive manner of corruption while exercising public functions. Herein, provisions of some of these legal acts are briefly presented and analyzed.

**Law No. 2003/12 On Access to Official Documents**, which adopted in 2003, intends to enable citizens of Kosovo to participate more closely in the decision-making process of public institutions and guaranteeing that the public institutions enjoy greater legitimacy, transparency and are more effective; to define the principles, conditions and limits on grounds of public or private interest; to establish rules ensuring the easiest possible exercise of this right; and to promote good administrative practice on access to documents, and the public institutions are more accountable to the citizens of Kosovo (Art. 1). Provisions of this Law enable citizens to effectively control public institutions and to be better informed, whilst requiring state officials to be more responsible, hence reducing the risk of misuse of authority and ensuring the respect of human rights. Access to public documents is a constitutional right, pursuant to article 41 of the Constitution of Republic of Kosovo, “1. Every person enjoys the right of access to public documents. 2. Documents of public institutions and organs of state authorities are public, except for information that is limited by law due to privacy, business trade secrets or security classification” (Constitution of the Republic of Kosovo: art. 41).

The law on access to official documents contains provisions related to institutions which are required to provide access to public documents, to all entitled individuals, exceptions on fulfillment of this entitlement, processing of applications on access to official documents, maintenance of registers of documents for public access etc. It is obvious, that this law is of major importance for the democracy of Kosovo, as with the increase of transparency and accountability of state authorities and public officials, it meanwhile exercises preventive effects toward actions related to corruption.

**Law No. 03/L-149 On the Civil Service of the Republic of Kosovo**, which entered into force in 2010, regulates the status of Civil Servants and the terms and conditions of their employment relationship with the institutions of the central and municipal administrations. This law sets the

rules for the overall management and organization of a politically neutral and impartial Civil Service, the rules on the admission to the Civil Service, working conditions, the rights and obligations of staff, personal conduct, career progression and professional development of Civil Servants (Art. 1(1)). Provisions of this law refer to various matters related to essential principles on exercising duties of civil servants: civil service administration; admission, appointment and terms of employment, civil service job classification; civil servants' working conditions; civil servants' rights; principles and terms of civil servant's professional conduct; disciplinary measures and dispute management; suspension, termination and the end of employment relationship with the civil service etc.

With the purpose of establishing rules of conduct for civil employees in the Kosovo Civil Service, and aiming to assist them in achieving required standards, the Government of Kosovo promulgated the Civil Servant Code of Conduct in 2006, which contains significant provisions related to civilian employees and their conduct. The Code of Conduct for civilian employees is a of principles and norms, based on which the civilian employees perform their duties. This Code aims to determine rules of conduct for the civil servant protect their status and regulate their rights and duties in relation with the institutions and citizens in conformity with the legislation in force (Art.1). Code of Conduct for civilian employees foresees numerous provisions, as well as several general principles on fulfillment of duties of civilian employees. Among such principles, foreseen with this code, is the principle of avoidance of conflict of interest and principle of transparency. These principles and rules of conduct for civilian employees enormously assist in the increase of effectiveness of civilian employees, increase of their transparency and accountability to citizens, hence reducing the possibility of involvement of civilian employees in corruption.

**Law No. 02/L-28 On the Administrative Procedure**, which was adopted in 2005, contains significant provisions with the purpose of regulating administrative proceedings and delivery of effective services of public administration to all the citizens of Republic of Kosovo. This Law is comprised of several general principles enabling the effective exercise of public administration. The public administration bodies shall exercise their activity in a transparent manner and in close cooperation with concerned natural and legal persons. Effective implementation of provisions of this law, enormously impacts in avoidance of misuse and possibility of corruptive actions involving employees of public administration.

**Law No. 03/L-174 On Financing Political Parties**, which entered into force in 2010, also contains important provisions in the field of prevention of corruption, as they limit the possibility of appearance of corruptive actions, within political entities and wider. This law regulates the manner, conditions of funding, administration and observation, incoming report of political party and also foresees gained transparency and reporting expenditure of funds of political subjects in Republic of Kosovo (Art. 1). Provisions of this Law regulate significant matters related to political subjects concerning the: status of political subjects, their financial and material sources, contributions for political subjects, funds to support political subjects, responsibility for use of funds, financial reporting, internal and financial control etc. Political subjects are required to provide the Central Election Committee, with all details related to their properties, categorized as per value, type and origin (Art. 22). It is certain that the Law on Financing Political Parties will establish normal acting rules of political subjects regarding the financial aspect, hence to distinctly reduce the possibility of corruption.

In addition to legal actions elaborated hereupon, in prevention and combat of corruption in Republic of Kosovo, other legal and sublegal provisions are being implemented which are approved in the civil, custom, finance, tax fields etc., which among others are related to control and prevention of this harmful social phenomena. In this aspect, it shall be specified the strategy approved by state relevant authorities of the Republic of Kosovo, which determine appropriate duties and action plan in the field of prevention and combat corruption.

## **Conclusion**

The following presentation and treatment of most known legal acts related to the corruption phenomenon, as well as its prevention and combat in Republic of Kosovo, may be to the point ascertained that they represent solid and advanced legal acts. They regulate significant matters related to prevention and combat of corruption. However, it should be emphasized that despite the fact that Kosovo has appropriate laws in this field, the corruption still represents depressing a challenge for Kosovo society. This resulted apart from numerous factors affecting this matter, the political willingness of Kosovo institutions is lacking in proper implementation of these legal acts. Hence, with the aim of successful implementation of legislation against corruption, it is necessary to make certain reforms in particular: further strengthening of judiciary and other rule of law institutions, reformation of

public administration, with particular stress in the field of procurement, apolitical administration, increase of transparence of public institutions, guaranteeing freedom of media and freedom of expression etc. The major concerns still revolve around the work of the publicsector, procurement, the judiciary and law enforcement, with the number of final convictionsin corruption cases remaining very low.

In the area of legislation and other legal acts related to corruption and its prevention, we consider necessary, continuance of work in its further completion, and correction and supplementation with new provisions of this legislation, always in support of successful prevention of corruption phenomenon. We are of the opinion that several laws in the field of corruption should be supplemented with new provisions, which anticipate harsh punishable measures and other measures against senior public officials who are suspicious with corruptive actions. In this aspect, the Law on declaration, origin and control of the property and gifts of senior public officials, which enables promotion of transparency and accountability, needs to be reviewed and amended respectively with harshness of sanctions and measures which may be imposed against senior public officials who hesitate to declare their property or make false declaration of property. With Kosovo legislation provisions should be foreseen also the measures related to finishing function of senior public official and its punishment with Criminal Code. Corrections and supplements of this nature are imposed also with practice of so far declaration of property of Kosovo politicians, where a huge disproportion is noticed of the real property of politicians with what they declare.

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# Contemporary Organizational Model

## A Contemporary Model for Organizations Striving to Change: The Case of the Center for International Programs at a Midwestern University in the United States of America

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### Abstract

This paper provides a qualitative analysis of a real organization in the United States which is taken as a model to serve to all post-socialist countries whose organizations need or want to change. Given that the objective of the study is to serve the Macedonian changing market, it provides comparisons and contrasts of studies previously conducted here in order to raise awareness about the need to advocate for change. A detailed account of the organization studied in the US provides an in-depth analysis of the organizational processes and practices which is given as a model, as well as a proof, that organizations in older democracies foster democratic organizational climates. The study lays a good foundation for understanding basic and general organizational processes and practices which would serve as a motivation for organizational leaders to start fostering the needed change.

**Keywords:** Commitment, productivity, morale, identification, organizational culture, organizational climate.

## Abstrakt

Ky punim shkencor ofron një analizë kuantitative të një organizate në Shtetet e Bashkuara të Amerikës e cila është marrë si model që t'ju shërbejë organizatave në shtetet post-socialiste, të cilat duan apo duhet te ndryshojnë funksionimin e tyre. Duke patur parasysh se qëllimi i këtij studimi është t'i shërbeje tregut të Republikës së Maqedonisë i cili është duke ndryshuar, i njëjti ofron krahasime dhe dallime të studimeve të bëra në vend me qëllim që të ngrejë vetëdijen për nevojën për të nxitur ndryshime. Një studim i detajuar i kësaj organizate të studijuar në SHBA ofron një analizë të thellë të proceseve dhe praktikave, si dhe ofron një model dhe prove për faktin se organizatat në demokracitë më të vjetra operojnë në ambiente demokratike. Ky studim vendos një bazë solide për t'i kuptuar proceset dhe praktikat themelore dhe të përgjithshme të cilat do të shërbejnë si motivim për liderët e organizatave të fillojnë të implementojnë ndryshimet e duhura.

## Апстракт

Овој научен труд нуди квантитативна анализа на една организација во Соединетите Американски Држави која е земена како модел да им послужи на сите пост-социјалистички држави чии организации сакаат или треба да го променат функционирањето. Имајќи во предвид дека целта на оваја студија е да му послужи на пазарот на Република Македонија кој е во процес на промени, истата нуди споредби и контрасти со студии спроведени во земјата, се со цел да се подигне свеста за потребата за промени. Деталната студија на организацијата во САД нуди една длабока анализа на процесите и практиките во организацијата како и аргументи дека организациите во постарите демократии функционираат во демократски амбиенти. Оваа студија поставува една солидна база за разбирање на основните и генералните процеси и практики кои ќе служат како мотивација за лидерите на организациите за да почнат да ги имплементираат потребните промени.

Organizations are and have always been complex in nature. They are so due to the fact that they rely on the effectiveness of communication processes and practices within the organization. Furthermore, communication itself is so complex in nature and as such it makes it difficult for people to understand each other, send effective messages, keep people happy, and ultimately be clear and understandable to everybody. The communication processes in organizations, being so complex, make organizations sites for conflicts, misunderstandings, mistreatments, and sites where employees feel threatened rather than motivated to do their best. Thus, many have come to find that improving communication practices in organizations is key to improving overall life in organizations.

This paper focuses on the impact social norms and political system might have in creating and sustaining positive or negative organizational lives. Even though social norms rely heavily on political systems, the two remain distinct yet reflexive. Both have direct impact on the way organizations function, but, on the other hand, political systems influence social norms and in some way social norms shape or create political systems. Although they cannot be fully isolated from one another each of them have genuine impact on organizational cultures. More precisely, the paper focuses on how social norms impact organizational cultures and overall how the socialist system failed to create and sustain positive organizational cultures. On the other hand, I would like to prove that democratic state systems allow promotion of positive organizational climates where employees are part of the decision making processes and as a result they feel much more committed and dedicated due to the high morale and motivation.

It is important to mention that I am not promoting a theory that argues that democratic systems create and sustain the best organizations and that they do not have or encounter difficulties in their operations, however I argue that democratic systems, such as the United States democracy, allow the creation and sustainability of organizations where employees feel much more motivated, dedicated and committed, which is partly due to the different and more contemporary leading styles their managements employ. This, however, does not resemble any post-socialist country where due to the previous political systems, the organizational norms reflect the social norms where the powerful influence the powerless and the number of those powerless is much larger than the powerful. Thus, more specifically, my argument is that older democratic countries, due to their political, social, and industrial cultures, allow the creation of more effective organizations which are organized around a specific goal yet at the same time allow for its constituents to be embedded parts of the organizational structure.

In post-socialist countries, on the other hand, as a result of the aforementioned reasons, there is a common disbelief among the employees as they feel threatened by the management since even in today's new democracy the management is the same and it operates along the same premises as in socialism. This evidence was my primary motivation for my research project. Having lived in Macedonia, a post-socialist country, and in the United States which is an older democratic country, and from having worked in both, I observed the difference which triggered my research interest which led me to the hypothesis that organizations in older democracies promote democratic and open environments where employees feel free and care about the organization for which they work and vice-versa. To test my hypothesis, I studied an organization in the United States while conducting observations. Although my study has limitations, (i.e. time, research method, study objective, etc.) I was able to interrogate key information regarding its functioning from the communication perspective.

To compare and contrast my findings I offer insights about both United States and Macedonian organizations. Due to the lack of research centering on Macedonian organizational processes and practices, my study provides a much needed insight where current organizational communication scholarship is lacking. To inform my research I draw from Ziberi's (2004) work which was a replication and extension of a previous study conducted in the United States. The original study conducted in the United States is titled *Employee Mistreatment and Muted Voices in the Culturally Diverse Workplace*, by Meares, et. al. (2004). The initial research examined mistreatment from the perspective of employees with different cultural backgrounds, albeit all from the U.S. As such, it examined how people from different U.S. cultural subgroups talk or do not talk about mistreatment in the workplace, along with the factors that contribute to these differences.

The purpose of this paper is to interrogate and explain how organizations function in older democracies. To validate my study I offer a comparison of the ways in which organizations function in non-democratic or new democracies: countries which derive from or have a socialist past. To theoretically ground my argument I draw from Ziberi's (2004) study of mistreatment in culturally diverse organizations. Although, Ziberi's work centers particularly on mistreatment, this study, however, offers a useful vantage point on which to compare and contrast the organizations in my study.

Further, to prove my standpoint and my hypothesis that organizations in older democracies create and sustain organizational environments where employees feel as an embedded part of the organization with high morale,

motivation, commitment, and identification, I studied the Center for International Programs (CIP), at a Midwestern university in the United States. The university will remain unidentified for anonymity reasons thus the institution will be referred to as “the center for international programs (CIP) at a Midwestern university in the USA”. I provide an in depth detailed account of the organization in order to provide a clearer picture of what processes and practices take place in order to present its culture while presenting its premises under which the organization operates.

To obtain my data that I provide below, I conducted observations along with minor interviews. I started with the observations after the director approved my request. I promptly informed the director that the data I collect will solely be used for academic purposes and employees will remain unidentified. To get a deeper understanding of the organization, I interviewed employees who gave me valuable information to get the needed information about the overall atmosphere in the organization as well as some specific account about the organizational processes and practices. The interviews lasted 30 minutes each. During the meeting I concentrated on the decision making processes or in other words, I concentrated on how much the employees get to take part and participate during the meetings as well as in the compilation of the agenda prior to the meetings. My other observations concentrated on the routine daily activities which displayed a good framework for me to identify the operations and the overall communication processes in the organization.

The organization that I chose to observe and study is the Center for International Programs (CIP) at a Midwestern university in the USA. The mission of the organization is the following: “To foster international education and exchange and to create and maintain opportunities that enrich student and faculty experience and maximize the development of the skills necessary to function and succeed in a culturally diverse world. The mission is quite ambitious and the center indeed provides numerous services such as the following: 1) advising students and scholars on visa issues; 2) assisting with visa documents; 3) providing orientation programs and activities; 4) processing admissions for international students and scholars; 5) assisting with health insurance programs; 6) assisting and supporting international student organizations; 7) providing assistance in matters of daily life; and other services which enhance the experiences of international students and scholars. On the other hand, the vision of the organization reveals how bound the organization is with its other organizational sub-units or with the general unit or the university itself. Their vision states: “Champion the internationalization of campus curriculum and campus life through the

recruitment, orientation, and continued support for international students and scholars, as well as international hires for faculty and staff positions”. Their vision also reflects their commitment to success as well as their promotion of intercultural and international affairs at home and abroad. This positions the organization as well as the university in the global educational arena.

In order to more efficiently attend to the numerous and diverse services provided, the system is divided into three subsystems: International Admissions, Services, and Study Abroad. Due to their interdependence, I will analyze all of them concurrently. The whole system is supervised and managed by the Director of the CIP.

As mentioned above, these three subsystems are interdependently bound, which results in my viewing the CIP as an integrated whole. According to Daniels et al. (1997), “wholeness means that the effect of elements working in relationship to one another differs from the effect of their isolated, individual actions taken collectively” (Daniels, Spiker, & Papa 1997). By integrating their efforts in support of the mission, the members of the subsystems create synergy. Daniels et al. (1997), define synergy as “a condition in which the whole is greater than the sum of its parts” (Daniels, Spiker, & Papa 1997).

Conversely, hierarchy generally illustrates the division of labor, the unity of command, and the unity of direction of the employees. Even CIP, which departs from traditional ideas of organizing, can be characterized as a hierarchy consisting of elements (employees), subsystems (International Admissions, Services, and Study Abroad), a system (CIP), and the environment (the university). “Open systems are characterized by active exchange with their outside environment” (Daniels, Spiker & Papa, 1997).

Open systems are characterized by two kinds of processes: maintenance, which is regulatory, and adaptive, which promotes change and growth. These two processes depend on negative and positive feedback, the former indicating deviations from desired conditions, and the latter reinforcing deviations instead of signaling for corrections.

The evolutionary metaphor that best describes the system is that of a living system. Unlike the metaphor of the organization as a machine, the living system is more susceptible and better able to adapt to change. In addition, the living system takes into account the welfare and the quality of life of the employees. This adds to the feminist approach to organizational communication since according to Fine (1993) the feminist approach rejects research that is intended to further the economic goals of the organization

without regard for the well being of the people who constitute the organization.

Going along with the metaphor of the organization as a living system, which is contingent on change, it makes sense that the definition of the organizational communication in this system is process. In order for the definition to be framed, the organizational communication must be ongoing, evolutionary, and culturally dependent. It should also reflect the shared realities of the employees. The changes in the external environment (social norms for example), whether it is the country itself (USA) or the university campus, affect the organizational communication within the system and make it evolutionary and ongoing. The organizational communication in this system is inherently culturally dependent because of the international elements (students) in the system, and because of the relations with the international world. It reflects the shared realities in terms of the employees' shared international experiences, which result in their belief in the mission and vision statements. Also, the shared reality is reflected in the jargon used within the system, which pertains to laws and issues for international students. Finally, process is one of the logical frameworks for the perspective and school of thought that best defines the organization.

My observations highlight that the organization used a method to diffuse its communication mainly by e-mail and less face to face. The atmosphere in the organization seemed quiet and employees were focused on getting work done. When they talked to each other they did that quietly so that they do not disturb the others or at least to not disturb the overall quiet but working atmosphere.

As far as language modality is concerned, I noticed mostly verbal communication, which may be due to the physical layout of the offices or cubicles. In most instances, employees were unable to see outside of their office or cubicle. It is not uncommon for employees in adjoining cubicles to speak to each other over the "walls." When this occurred, the intended receiver was not the only one to receive the communication even though they tried to talk quietly; co-workers whose desks are within earshot may join in the conversation whether it is formal or informal. Although most of the formal communication is directed to intended receivers (i.e. staff meetings, e-mails, work related face-to-face conversation among two people) the instances where communication is intercepted by unintended receivers tends to occur when those communicating are in a common area.

Additionally, as mentioned above, shared meaning is present in this system by adopting a group restricted code, or jargon, which represents,

“terms and modes of expressions that are known primarily to the members” of the system (Daniels, Spiker & Papa, 1997). Some examples of this jargon are as follows: Regulations (SEVIS, ECFMG), Forms (I-94, DS 1920), and VISAs (J-1, J-2, F-1, F-2), etc. In terms of nonverbal communication, I did not encounter any particular body movement or paralanguage of note. While speaking, the employees stand close together and seem comfortable with their physical proximity.

Since the organization of the communal space and the materials seemed well arranged, there was usually very little need for formal communication. As a result of this order, and because humans have the need to interact, the majority of the communication was informal which is a good sign that reflects a strong and valuable organizational culture. Open and multi-directional communication is promoted. Although the director of CIP makes every attempt to maintain open channels of communication, there are some employees who choose to distinguish themselves according to their specific charge.

In terms of the channels of communication, I can indicate that the most frequently used channel of communication among employees in the system is e-mail, which is followed by face-to-face interaction between two people, and then face-to-face interaction among more than two people. The channels that are least employed are internal audio-visual media, followed by bulletin boards and external media. The channels that fall in the middle are the written (memos, letters), telephone, and internal publications.

The director, in his attempts to influence subordinates, was very accommodating with his employees. Examples of these accommodations are allowing flexible working hours, allowing flexible lunch hours, being receptive to their input (i.e. the creation of the agenda), filling in for absent employees, holding informal meetings with refreshments, and planning social engagements for the staff (i.e. staff retreats, holiday parties etc.). The director seemed careful to word his orders in such a way that they are posed as suggestions from a friend.

On the other hand, the employees attempt to influence the director by raising personal issues and concerns, and by taking advantage of the opportunity to add items to the agenda of the staff meetings. Because of the informal structure of the system, and because of the friendliness between the director and his staff, employees feel comfortable providing feedback, both positive and negative, to make changes that benefit all employees. In a previous example, when employees needed more information from the external environment, they felt comfortable approaching the director with

the problem, and influenced him to take corrective measures. The employees help one another in the hopes that this kindness will be returned. By performing favors and offering general assistance and advice, the employees make each other feel obligated to return the favor.

In a collectivist organization, decisions and actions are developed through participative dialogue in order to achieve action through consensus. This seems to be the most widely held perspective and use of power in the system I observed. Dialogue seems to be even more important than the exertion of power. According to Eisenberg (1994), “empowerment can exist without conflict,” only through the promotion of dialogue. This can be achieved first, through providing equal opportunities to all organizational members to present their ideas and opinions on important issues. Second, through showing empathy for different ideas, opinions, and worldviews, and finally through considering the personal feelings and experiences of organizational members as legitimate in making decisions. The above examples illustrate Eisenberg’s theory and are proof that dialogue is promoted in this system.

In my observations, I did not get the feeling that any kind of formal conflict was present in the system. Perhaps this is because of the advantages of promoting dialogue, as suggested by Eisenberg.

To describe the leadership of the director of the system, I utilize two major theories of leadership style, such as those of Lippitt & White (1960) and of Blake & Mouton (1964, 1985).

According to Lippitt & White (1960), leaders fall into one of three management styles: democratic, autocratic, and laissez-faire. The director of the system exhibited a democratic leadership style. The democratic leader allows group input and group decision making. Decisions are made by fair and equitable voting. His leadership style becomes apparent during most of his interactions with the employees. First, employees participate in the creation of the agenda for staff meetings. This is an opportunity for them to provide input as to which issues they would like to address. Also, during staff meetings the director asks for input from the subordinates. Employees feel comfortable asking questions and offering suggestions to fellow coworkers. The director offers guidance during democratic discussion of the issues. Eventually, decisions are reached which satisfy all employees.

Aside from behavioral aspects of leadership, it is important to note attitudinal aspects as well. According to the Blake & Mouton (1964, 1985) model, the CIP director falls into the team management leader. This means that he is concerned with both people and performance. He sets a good

example, with the expectation that others will follow his lead. More specifically, he is the first to arrive at work, and the last to leave.

Although he maintains high standards of work, he is compassionate and seems to care for the employees, understanding that they are human beings with families and private lives. Thus, at times when employees are absent due to health or family problems, he is accommodating and fills the void so that the office is saved from inefficiency and frustration. The team leader rewards the loyal employees by supporting and encouraging them when they need it.

The subsystems are the groups within the system. The staff meetings provide the occasion for these groups to interact. The norms established by the proceedings of the meetings are that the director will steer the conversations, and that the employees will report the progress of their particular group. I did not witness an instance where there was a deviation from this norm, and therefore I am unaware of measures generally taken to compel employees to conform.

Even though the agenda is created in a participative matter, it includes the input of most employees. Employees are encouraged to participate but some choose not to. This may illustrate that the norm is to allow the supervisor to speak for them.

Numerous, but not all roles are enacted by the members of the system. In group settings I observed that the director fulfills some task and maintenance roles. For example, he is the initiator, energizer, and orienter of the task roles. Also, he is the encourager, and occasionally comedian of the maintenance roles. Other group members may be identified as filling the other roles.

The group decisions that I was able to learn about while observing were reached by consensus which according to Schein (1969) it is a way of categorizing decision making styles within groups. This means that all the members of the group are prepared to accept a proposal. Even though some may have reservations, the group reaches consensus. "Consensus only implies that discussion of the problem has been open and that all points of view have been considered. Although group members may not be in complete agreement, the solution or proposal falls within their range of acceptability" (Daniels, Spiker, Papa, 1997).

The primary value of the system is represented both in its mission and vision statement: "To foster internationalization of campus curriculum and

campus life as well as to foster international education and exchange". The mission and vision statements are included in brochures and on the system website. The system places high value on employees. This is evident in decisions regarding budget and personnel. The budget of the system, among other, includes items for the enjoyment of the staff (i.e. staff retreats and/or holiday parties). The director's decision to allow flexible lunch and working hours for employees shows a great deal of consideration for them. The director seems concerned with the personal development of the employees. The decor of the office (maps, international artifacts, personal photographs, souvenirs, staff photographs from retreats and parties, inside jokes posted in common areas) represent message functions that communicate values of employees in the system and ultimately represent the organizational culture.

One ritual that I learned about was the pot luck staff meeting. The staff meetings usually begin with an informal story or recognition of some achievement or activities of some of the employees. In other words, the meetings begin on a pleasant note. Then the staff gets into the core of their agenda items. The meetings generally end on a positive note, and with much informal communication about their shared reality. Example topics of the informal conversation are the staff retreat and the Christmas party. The staff retreat is an annual opportunity for the employees to spend time together outside of the work environment. Similarly, the Christmas party is a gathering at an employee's home.

The organizational communication climate of the system consists of elements such as gender, race, and age. The system consists of a largely dominant female work force. The only three males, besides the director, in the system fill interim positions and they are graduate assistants. The same climate appears in terms of diversity. The majority of the staff is Caucasian. Only one of the employees is African American, and she works at the reception desk. The part-time employees tend to be undergraduate and graduate students in their twenties or thirties, while the full-time staff is middle-aged.

Another important element of the organizational and communication climate is space. I noted that the amount of space allotted to each employee corresponds to his/her position in the organization. In other words employees with higher status are entitled to a larger work space and more privacy than the employees with lower status.

Although the makeup of the staff is not as diverse as one might expect, considering the mission statement, the life experiences of the staff are

diverse. This is reflected in the values which are incorporated in the shared reality of the system.

As an open system, it is important for the system to maintain a consistent public image, especially in terms of output. The public communication of the system occurs through various means such as brochures, pamphlets web site, orientation materials, etc. The system includes the logo of the University on all of its written correspondence (i.e. stationary, envelopes, and website). Aside from the written public communication they also provide opportunities for incoming international students to attend informational lectures and meetings about national and international issues and regulations.

I categorized the system into the Human Relations School of Thought. This means that the management of CIP goes to great lengths to please its employees so that they offer little resistance to appointed duties, rules and regulations, and changes within the organization.

It was clear to me that each of the employees of CIP operated with a clear conception of his or her place within the system. The organization itself was a negotiated order of status, job responsibility, privileges, and communal space and materials. The members of this organization participate in this negotiated order because they have shared values, the most important one being their appreciation for international diversity.

Referring back to management style, I will briefly review my examples which will also illustrate the Human Relations school of thought to which the system adheres to. The director of the system allows group input and group decision making by fair and equitable voting. Employees participate in the creation of the agenda for the staff meetings, which is an opportunity for them to provide input as to which issues they would like to address. Employees feel comfortable asking questions and offering suggestions to fellow coworkers. The director offers guidance during democratic discussion of the issues, and decisions are reached which satisfy the group. As I mentioned previously, the employees are highly valued by the system which is evident in decisions regarding budget and personnel. The budget of the system includes, among other, items for the enjoyment of the staff. The personnel decision to allow flexible lunch and working hours for employees shows a great deal of consideration for them.

I observed that the interpretive perspective applies best to the organization because I see the organization demonstrate itself as a culture comprised of members who construct their reality through shared experiences.

Overall, the organization functioned properly. The open communication and the camaraderie of the staff seemed to be the key reason the organization was functioning effectively. The system is constituted through the reciprocal relationship between management and employees to facilitate these qualities and support such employee needs.

A first area of strength includes the following: 1) a clear and concise mission and vision statement; 2) shared reality; 3) a clear grasp of their place in the organization; and 4) synergy. The clear and concise mission statement as well as vision statement make the purpose of its employees' job clear and help to unite the staff in a shared reality. Along the same line, employees reported to have a clear grasp of their place in the organization. Because of this clarity it is easier for the employees to understand the importance of working interdependently for a common goal. Similarly, due to the nature of the work, the output that is created by the system is an example of the effects of synergy. Working independently the employees would not have been able to achieve this kind of output.

A second area of strength is that the system is an open and living one. Because the system is open it is constantly receiving positive and negative feedback from within and from the external environment. The system seems to react quickly to deviations made known by the feedback loop. The system obviously is doing well if external environments are perceptive of the success of the system. An example of this is the director's recognition for the maintenance of the system.

A third area of strength is apparent through employee satisfaction. The reason why deviations are corrected so quickly is because the director has a team management attitude and cares about the feelings of the employees. This particular attitude adds to employee satisfaction because it makes possible a successful system that facilitates a vested interest in all parties involved.

A final area that demonstrated this organization as an effective system is observable in the lack of formal conflict. After having observed the system, I understand why conflict is such a minimal part of this system. The answer to this lies in the open dialogue which is both encouraged and promoted throughout the organization. The focus on group decision making helps the organization reach consensus which works well in this type of system.

The strengths of this organization greatly outweigh the weaknesses. I did not note any major weakness which is primarily due to my position as an outsider and a researcher. This position influenced my observation of the

positive aspects of the working atmosphere. However, the fact that employees did not have their own personal offices but rather worked in cubicles interfered their privacy and in most cases they tried to be quiet not to disturb the others even though there were moments that they needed to be loud to get the job done.

One area of needed improvement that I noted is concerned with language. I noted that not all the employees are familiar with the jargon of the system, especially the part-time employees. Rather than looking foolish for asking for clarification employees chose to let it go without understanding the conversation.

Since so much time and energy is spent trying to keep up with changes in national policies concerning international students, I recommend that these changes be reported to employees on weekly basis, by the top management, in the form of a written document. The supervisor/director would then be responsible for distributing copies of this document to the employees, and explain the significance and meaning of these changes. In this way all the employees will have access to all of the new information when it is needed. Also, this will lessen the amount of e-mail communication and increase the amount of written hard copy communication.

It is important that the website always reflect the most current changes in policies. If updated, correct information will be available on the Internet and then the clients/students will be served much more quickly, efficiently, and with the correct information. This will save time both for the employees and clients.

Although the system is providing numerous brochures, handbooks, and pamphlets for the public, which identify and explain various policies and regulations concerning international students, it will be just as useful to create a similar document for employees with the addition of jargon terms and their explanation. This will improve understanding and communication among the new and part-time employees. Further, this addition will better engage the external environment.

In principle, I observed that this organization functioned well because its management paid necessary attention to employee concerns and their overall wellbeing. This style is particularly effective as Barge (1994) argues that leadership is more about managing interdependencies than giving commands and issuing orders, which was exactly what the director of CIP was trying to achieve. Barge argues that the key to leadership is coordination and specifically the coordination of people as they do the job. Furthermore,

Barge notes, while referring to Leonard Sayles (1993), that leaders have been taught to think in hierarchical terms as opposed to horizontal or work flow terms. This way of thinking still frames the Macedonian approach to leadership. In my observations I was able to identify that the U.S. employees experienced a similar lack of agency that paralleled the experience of the Macedonian employees. This lack of agency continues to be a hindrance unless all constituents are empowered by the management. The weight of this burden is on the management who should try and encourage employees to become part of the organization by first of all encouraging them to actively participate and voice their concerns.

Muted voices have been purposely promoted in socialism so that the employees feel powerless and unable to ask for change or their principal working rights. The core difference is that in democratic societies the initial approach taken by managers is to promote a general organizational climate where employees will feel free to speak and take part in the decision making. The climate itself allows even newcomers to assimilate and acculturate easily to the already open system and speak out whenever there is a need to do so.

This organizational climate should serve as a model by any organization in any post-socialist country and especially to organizations in Macedonia. Macedonia is a candidate for full NATO and EU membership. To join the Euro-Atlantic institutions and to become a part of the old democratic families, Macedonia must change the way its organizations function both in the public and the private sector.

To better illustrate how Macedonian organizations function I offer a wider explanation of a study, one of its kind conducted in Macedonia, which depicts how a vital state organization functions and the affective climate of its employees. Ziberi (2004) investigates, in her research, the affective states of employees' within a state owned organization. As I mentioned previously, the study was a replication and extension of a previous study about *Employee Mistreatment and Muted Voices in the Culturally Diverse Workplace*, by Meares, et. al. (2004). The study examined how people from different United States cultural subgroups talk or do not talk about mistreatment in the workplace, along with the factors that contribute to these differences.

The research conducted by Ziberi (2004) examined all of the issues mentioned above and asked the same research questions. However, it extends its focus to examine an organization from a culture outside of the United States. Macedonia being a multiethnic, multicultural, and multi

religious country the researcher found it a good opportunity to study employee mistreatment as well as conclude with an overall assessment of the overall organizational climate. Ziberi (2004) argues that perceptions of mistreatment have cultural components that may be influenced by legal and other contextual frames. According to her, the study offers a comparative vantage by which to consider the results by collecting data in a large organization in Macedonia. Such an investigation offers additional insight into the communicative aspects of the perceptions of employee mistreatment. Ziberi believes that issues of ethnic culture are extremely important in Macedonia, making it an important setting to investigate the role of culture in the perception of employee mistreatment in organizations.

Ziberi (2004) revealed that all participants in the study report the existence of mistreatment. Moreover, the study revealed that the organization lacked collective work and trust among the employees belonging to both the Albanian and Macedonian ethnic groups. While referring to Meares et al. (2004) Ziberi argues that mistreatment exists in Macedonia and as such influences the culture and productivity of the organization as well as the society as a whole. The study also found muted voices as well as politically privileged people who oppress or mistreat the less powerful. Finally, the study found that the organization fostered ambiguity and as such it disabled employees to understand organizational processes as well as discouraged them to speak about mistreatment openly in order to extinguish such phenomena.

To conclude, the study conducted by Ziberi (2004) serves as a good starting point where we can understand that organizations in Macedonia need to change in order to be sites that promote values that employees will cherish which will foster higher morale, productivity, and commitment.

At this point I can not generalize that all Macedonian organizations and all post-socialist organizations promote such climates, however, being part of the society and being part of a particular organization in Macedonia I can infer that most organizations would reveal similar results if studied closely. It is a disadvantage for Macedonia that studies like that are not conducted and published in order to raise awareness about the existence of those negative organizational processes taking place. Organizational communication will profit by future studies taking this particular critical lens and conducting much needed research specifically when Universities are flourishing and adopting international processes such as the Bologna process. The academia is an appropriate place to initiate studies such as this in order to raise awareness about the interventions we need to make in order to raise productivity and morale in organizations and ultimately change the

way organizations function. We must start from the core as suggested by Flores (1981) because an organization is a network, composed of the transaction of all its members. In Macedonia, unfortunately, organizations are seen as sites for domination, where one speaks (the manager, CEO, or director) and the employees have to listen and execute. This runs counter to Barge's assertion and hinders the appropriate interventions necessary to lead Macedonia into the competitive global market.

Obviously, the two organizations taken into consideration are not identical. The CIP reveals an organization which is employee centered which many scholars would agree that is a place that should be taken as an example for post-socialist countries. I cannot generalize and assert that all organizations in older democratic countries such as the United States employ the same positive organizational processes and practices, but given my experience so far I can conclude that most organizations in the United States foster positive organizational processes and practices while promoting positive organizational climates.

Apart from observing the CIP, I spent three semesters at the Department of Communication at Indiana University – Purdue University in Fort Wayne, Indiana, where I worked as a teaching assistant. My research with the CIP and my work experience at IPFW has positioned me as a participant in both systems. Both experiences prove enough for me to assert that organizations in older democracies promote open and democratic environments.

Finally, I can proudly assert that my observations which initiated my research interest along with my hypothesis prove to be true which sets a solid research base for me as a future communication scholar and researcher.

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# **E-Marketplaces: Way to Go for Small and Medium Enterprises in Macedonia**

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## **Abstract**

The Internet penetration in Macedonia and the region is increasing up to the European level of usage. Majority of the businesses in Macedonia use Internet which can be also supported by statistics, but unfortunately they lack on using e-commerce or at least some level of order acceptance using Internet.

The developing countries' Small and Medium Enterprises (SMEs) should benefit from the use of Internet as a channel for promotion and sales of their products or services. Since Business-to-Consumer (B2C) e-commerce is difficult for SMEs from Macedonia and the region because of the market, which is already taken by bigger companies from Europe (Germany, United Kingdom, and others), another approach towards Business-to-Business (B2B) e-commerce using e-marketplace portals is proposed in this paper.

E-marketplaces can facilitate the connection between SMEs and their partners, thus providing an electronic market where "Supply and Demand" will do their magic. These e-marketplaces can help by offering free listing, product submission, communication as well as standardization towards B2B frameworks currently existing out there.

## Abstrakt

Depërtimi i Internetit në Maqedoni dhe në rajon është duke u rritur deri në nivelin evropian të përdorimit. Shumica e bizneseve në Maqedoni përdorin Internetin, gjë që mund të mbështetet edhe nga statistikat, por për fat të keq ata ngecin në përdorimin e tregtisë elektronike ose të paktën ngecin në nivelin e pranimit të porosive nga Internet.

Ndërmarrjet e vogla dhe të mesme (NVM) në vendet në zhvillim duhet të përfitojnë nga përdorimi i Internetit si një kanal për promovim dhe shitje të produkteve dhe shërbimeve të tyre. Pasiqë tregtia elektronike e Biznesit-ndaj-Konsumatorit (B2C) është e vështirë për NVM-të nga Maqedonia dhe rajoni, për shkak të tregut i cili është i zënë nga kompanitë më të mëdha të Evropës (Gjermania, Mbretëria e Bashkuar, dhe të tjerët), një qasje tjetër ndaj tregtisë elektronike Biznesi-ndaj-Biznesit (B2B) duke përdorur portalet apo e-tregjet është propozuar në këtë punim.

E-tregjet mund të lehtësojnë lidhjen në mes të NVM-ve dhe partnerëve të tyre, duke siguruar kështu një treg elektronik ku "Furnizimi dhe kërkesa" do të bëjnë magjinë e tyre. Këto tregje elektronike mund të ndihmojnë duke ofruar listim falas, regjistrim të produkteve, komunikim si dhe standardizim drejt kornizave punuese ekzistuese për tregti elektronike të Biznesit-ndaj-Biznesit.

## Апстракт

Интернет пенетрацијата во Македонија и регионот се зголемува до Европското ниво на користење. Мнозинството бизнис и во Македонија користат интернет кое што може да се потврди и со статистика, но, зажал, тие не се доволно вклучени во електронската трговија (e-трговија) или пак еден минимум вклучување со прифаќање нарачки од интернет.

Малите и средните претпријатија (МСП) во земјите во развој треба да имаат бенефит од користењето на интернетот како канал за промоција и продажба на нивните производи и услуги. Заради фактот што електронската трговија од видот Бизнис-кон-Потрошувач (B2C) е тешко за малите и средни претпријатија од Македонија и регионот, затоа што пазарот е веќе покриен од страна на поголемите компании од

Европа (Германија, Велика Британија и други), поинаков пристап кон Бизнис-кон-Бизнис (B2B) е-трговија со користење на портали или е-пазар се предлага во овој труд.

Е-пазарите може да го олеснат поврзувањето помеѓу МСП и нивните партнери, со што се обезбедува електронски пазар, каде што "Понудата и побарувачка" ќе ја направат нивната магија. Овие електронски пазари можат да помогнат со тоа што ќе нудат бесплатен илистирања, внесување на производи, комуникација како и нудење на стандардизација со користење на постоечки работни рамки за Бизнис-кон-Бизнис (B2B) е-трговија.

## Introduction

With the increased usage of Internet in the World and Macedonia with about 51% of the population using Internet (Internet World Statistics, 2010) and the Information Technology (IT) usage in the World, there is a significant interest in doing business online.

The Internet made the business more competitive, and that's the reason companies move online. Moving to e-business is not only a trend but a necessity as well, because being competitive in the global market requires online activity. This is why so many business organizations spend more on their IT infrastructure and information systems so they can be more effective in this new environment.

Making business online is easier now than ever. Technology is the actual cause and driver on forming the business strategy (O'Brien, 2007).

## The Electronic Commerce: E-Commerce and Smes

Electronic commerce (e-commerce) is considered as buying or selling over the Web including the entire process online. According to O'Brien (O'Brien, 2007), the E-commerce concept is a revolution that is radically changing the way companies do business.

Developing countries, especially the so-called Adriatic group (Balkans) do not have any issues related to IT hardware and services neither the Internet penetration rate. A report conducted by IDC Adriatics (IDC

Adriatics, 2008), shows that in 2007 the value of IT market in this region was \$3.53 billion, with an increase of 23.3%. The problem here is that more than 85% of these market sales are based on hardware and only a small amount on online sales.

“In 2009, the IT market in Macedonia, contrary to expectations, rose 1.8% year on year in U.S. dollar terms to \$164.48 million. Measured in local currency, the market was up 7.2%, according to annual study from IT market research company IDC Adriatics. Macedonia was among the rare countries that did not experience the sharp contraction of IT spending last year” (IDC Adriatics, 2010).

One of the reasons for this increase is the governmental politics regarding the IT in education project, where many PCs and Laptops were purchased for the needs of Ministry of Education. This required training for the new devices that in terms of IT services had its own impact as well.

It's good to mention that spending on IT services and on licensing and maintenance increased instead of hardware purchases as in previous years. “IT services related revenue increased 15.8% year on year, packaged software rose 8.2%, while hardware sales contracted 4.3%. Accordingly, the share of IT services in the total country's IT market increased 3.1 percentage points to 25.6%; package software's share rose 0.7, while hardware's share declined 3.9 percentage points from the year before” (IDC Adriatics, 2010).

These data show clearly that there is a great, unused potential for e-commerce implementation in developing countries. This is due to the high Internet usage rate in these countries, as well as the fact that that e-commerce could bring significant benefits to firms in these countries.

The specific conditions of the past 18 years in Central and Eastern Europe, due to the struggle to catch up with more developed countries and to overcome the handicap of more than 40 years of stagnation, make the path to the benefits to be provided by electronic commerce more difficult but also more exciting. And this is true above all for the region's Small and Medium Enterprises (SME) (Kadlec & Mares, 2003).

Business-to-consumer (B2C) e-commerce is difficult for new companies (SMEs), especially for those in Eastern and Central Europe, since the European market is shared between United Kingdom, France and Germany. A new B2B approach can assist manufactures and traders from Eastern Europe to make a way into the European market by using new technologies and integration various business processes online (Besimi, Dika, & Gerguri, 2010).

## **Business-to-Business (B2B) E-commerce**

The Business-to-Business (B2B) e-Commerce area is poised for tremendous growth. According to (Becker, 2008), “B2B (business-to-business) e-business is the sale of products or services, or information exchange, among two or more businesses through electronic technology, usually involving the Internet, through a public or private exchange”. Or in other words, B2B is just an application of e-commerce that deals directly with companies and the way they do business.

The B2B model has become the most important and most used model of e-commerce; it has a bigger financial impact for the new economy. Countries that are more involved and use this system more are United States, Japan, Europe, China but now days also the small countries have started to be part of the new model of making business.

SME’s tendency should be moving towards implementation of B2B e-commerce in their businesses. The problem with SME’s is that they must play the game of the big companies. Big Enterprises define the rules of the game. These rules in B2B e-commerce are specified by the protocol of communication and the XML document schemas that will be exchanged (Besimi, Dika, & Gerguri, 2010).

According to (MacGregor & Vrazalic, 2007) main reasons why SMEs have been slow to use e-commerce are related to security, lack of resources, and incompatibility. The major barrier for SME’s to enter B2B e-commerce is the cost of implementing some of the standards specified in some of the B2B frameworks. Sometimes the implementation of these B2B standards costs too much for the SMEs, this is why a solution of e-marketplaces exists.

## **E-marketplaces**

“An independent B2B marketplace or e-marketplace is an Internet destination where businesses from around the world can come together to buy and sell goods and services in an auction format. The destination and the auction are controlled and managed by the independent B2B provider” (Khosrow-Pour, 2006).

E-marketplaces use the B2B model in order to provide the business sector with most opportunities, more for the part of the supply chain. B2B

commerce made the supply chain management more effective, and evolved the internal operations of the supply chain in a more dynamic and flexible way. For that reason B2B is the fastest growing model of e-commerce in the global market, and has become the dominant financial model.

E-marketplaces tend to link suppliers and demanders in one “portal” where companies list their products, accept inquiries, maintain communication and sell their products and/or services. Companies usually manage these “portals”, and their services (the basic ones), are free of charge, for listing and communication purposes.

The most famous web portal for B2B e-commerce is *alibaba.com* that is listed in Hong Kong Stock Exchange, as one of the largest online B2B e-commerce website in the world serving over 35 millions of users. Users need to register before they can view the buying leads and all that for free.

## **E-marketplaces and Macedonia**

Having a small, release economy makes Macedonia susceptible to economic developments in Europe and reliant on local integration and development in the direction of EU association for sustained economic expansion.

Macedonia’s tendency is to move towards the implementation of e-services, including the e-payment and e-commerce as well as many e-governmental projects.

In contrast to other European countries, the e-payment system in Macedonia is very new with the major reforms of 2000-2002. At that time, the National Bank, and the Government invested in the ICT infrastructure, and a new state of the art electronic finance transfer system, KIBS and MIPS, was introduced, according to Financial Stability Report from NBRM and others.

Starting that time a lot of foreign investors invested in the financial sector of Macedonia. Subsequent to the privatization of the fiscal sector, Banks introduced innovative modern ways of expenditure management, and introduced diverse electronic payment instruments, e-payment machines, such as: ATMs, imprinters and POS terminals.

The law for e-commerce lately voted in the Macedonian Parliament, is supposed to offer improved legislative support for Macedonian citizens as possible buyers online. Besides the law is hypothetical to support potential businesses that would like to sell their goods and services via the web.

Regardless of the reality that banks in Macedonia offer Internet banking or PC banking services, the suitable legislation was absent and people were frightened on using PCs and in general e-payment instruments online. Banks were amplification that buying online with their cards is clients' only their responsibility, so the bank cannot give any guaranties.

In the e-marketplace purchasing is called e-procurement and is the most critical part of the supply chain for all organizations. The process of e-procurement involves some steps, the first one is searching- the ability for online search for suppliers, contacts etc. The second one is qualifying- the ability to make online research for the backgrounds of companies, their credit history and to compare them. Another part is negotiation- that means to negotiate about the price, quality, timing, etc. Finally comes the actual process of purchasing in which are included to order the product, invoicing is the part when the company receives the invoice and enter the information about financial and production. After that comes shipping of the good, and at least remittance payment in which the company sends the payment and enter the record in the system.

The B2B model is most used because it reduced costs and that's very important for small and mid-size companies in Macedonia. Macedonia can be found in most of the B2B portal but offering just a small amount of products or services, and it is significant that present are just bigger companies that are bigger and can offer more products, while the small and midsized companies are still uncertain about their electronic transactions and that's also the reason why they do not appear on B2B portals.

For instance, in alibaba.com we can find 33 entries for Macedonian products, the categories are marble(8), chocolate(1), steel products(2), mineral water (1), fresh apples (2), new cars (1), healthcare supplement(2), sliced herbal medicine (1), telecommunication tower, fresh peaches, rice and wine.

The chamber of commerce of Republic of Macedonia ([www.mchamber.org.mk](http://www.mchamber.org.mk)) is offering a so called "light version" of e-marketplace with simple listing of Supply and demand by companies from Macedonia and international companies interested in doing business in Macedonia. This portal is a good option for companies to minimally

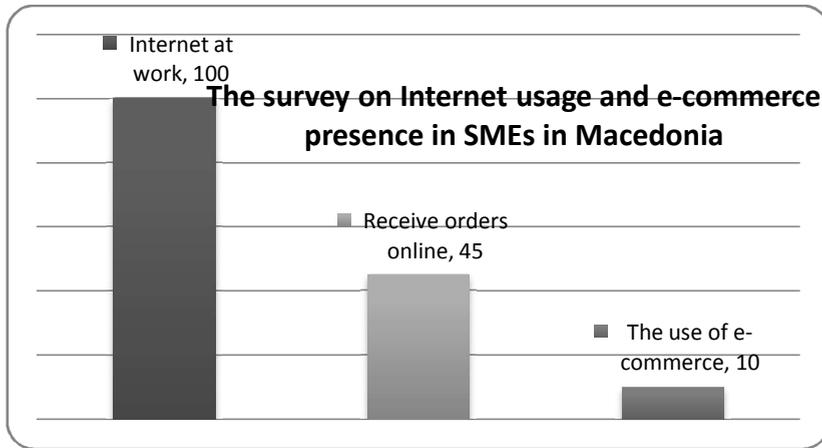
participate in the global e-marketplace. But this portal is not the best one and it cannot be compared to alibaba.com or other leading providers for this kind of services.

The ICT stakeholders in Macedonia, Macedonian ICT Chamber of Commerce (MASIT), Macedonian Chamber of Commerce, The Government, Universities and businesses should propose a strategy for B2B e-commerce usage, through the implementation of national or regional e-marketplace where all the companies can benefit of it's services.

## **Are Companies Aware of B2B? Are They Ready?**

According to (Trepper, 2000), there is lack of understanding of e-commerce fundamentals and some organizations have no idea for the complexity or the infrastructure needed. "Organizations often develop a Web presence simply because some executive read about it on his or her last airplane flight. When the organization's Web site doesn't deliver on expectations, the "blame game" starts. And, of course, the executive who started it all never seems to get hit!" (Trepper, 2000).

In order to answer these questions and similar ones, we at the Department of Contemporary Sciences and Technologies at South East European University conducted a survey targeting Small and Medium Enterprises in Macedonia that produce products for export mainly. This survey contained a questionnaire of about 40 questions ranging from company info to technology usage and new trends in e-commerce, specifically B2B e-commerce.



*Figure 1. The Internet usage and e-commerce presence in SMEs in Macedonia (Survey conducted by SEE University, Department Contemporary Sciences and Technologies)*

From Figure 1 it is easy to understand that SMEs have high level of Internet usage in their everyday jobs but they do lack the use of e-commerce and e-orders. This can be also supported by statistics offered by the State Statistical Office of Republic of Macedonia (State Statistical Office, 2010), based on the Figure 2, it is clear that more than 81% of the businesses operating in Macedonia use Internet in their organization.

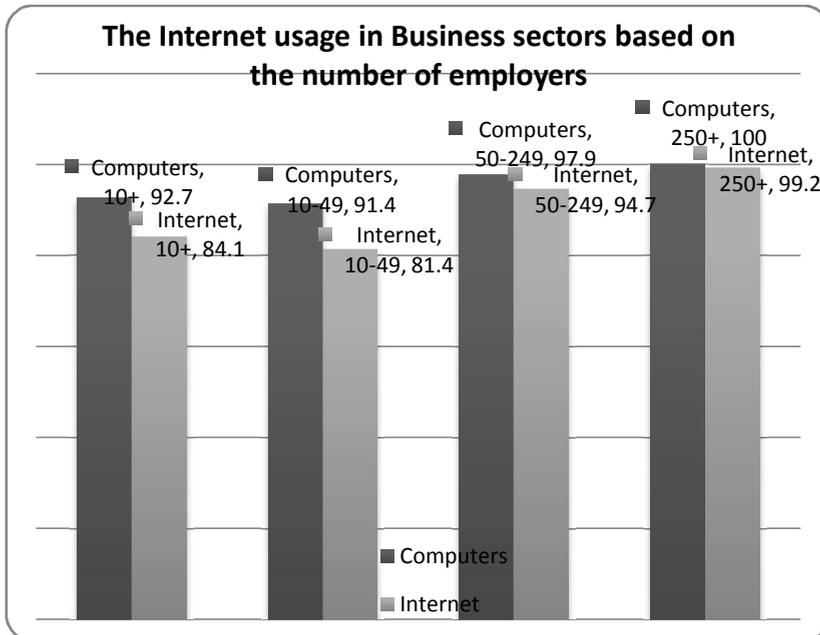


Figure 2. The Internet usage in Business sectors based on the number of employers (State Statistical Office, report no: 8.1.10.18)

The positive feedback was on the question “Have you heard about e-commerce?” where about 82% of the answers are true. Similar results are the ones concerning the difference between B2C and B2B e-commerce. Another positive feedback was on the question “If you have requests from trading partners, would you implement an e-commerce solution for your company?” where companies agree (82%) that they will implement such a system, but there is also an 18% that will have to think, depending on the price for this kind of implementation. All of the companies agree that if there is free software or portal for B2B message processing they would like to have it.

The other group of questions tried to answer the technology impact on the organization performances. On the question “To what extent you believe your online presence (web site) can benefit your organization?” most of the companies agree (67%) that the online presence is important as well as the acceptance of online orders can benefit the organization based on the results (72% agree).

The final questions was about the managerial opinion, “Considering your company, do you think there is a need in the near future to implement a

regional e-commerce website, specifically B2B e-commerce?” where we have 100% positive feedback, supporting our idea that regional e-marketplace is important to be created and promoted by all the stakeholders of the Macedonian economy, where will be a greater benefit.

## **Conclusion**

Even though Macedonia showed slow development of broadband sector after the independence proclamation, having suffered severe economic problems, the country has managed to catch up to its European neighbors. Clearly there is an unused potential for e-commerce implementation in this country and other developing countries.

SME's as the backbone of the economy should move towards implementation of B2B e-commerce in their businesses so they can penetrate global markets, increase sales and change the traditional way of doing business.

The major barrier for SME's from Macedonia and the region to enter B2B e-commerce is the cost of implementation of B2B standards. This is why e-marketplaces can help by linking suppliers and demanders in one “portal”.

It is a fact that SMEs in Macedonia have high level of Internet usage but they do lack the use of e-commerce and e-orders. Therefore the ICT stakeholders in Macedonia should propose a strategy for B2B e-commerce usage, through the implementation of national or regional e-marketplace where all the companies can benefit of its services.

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# Study about Increasing the Number of Students at South East European University

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## Abstract

South East European University (SEEU) uses a wide range of learning technologies to enhance the educational experience, inspire innovative teaching, and foster student success. The use of such learning technologies also facilitates high quality research and professional practice. Led by other world renowned Universities, which provide portable computer for each enrolled student, this is a big opportunity for our university to be a part of this innovation. This research study is made from one aim, to increase the number of student applicants at SEEU by incorporating one of several proposals related with the suggestion that each or some students at SEEU should receive a mini laptop.

## Abstrakt

Universiteti i Evropës Juglindore (UEJL) përdor një gamë të gjerë të teknologjive të të mësuarit për të rritur përvojën arsimore, frymëzuar dhe inkurajuar mësim inovativ dhe të rris suksesin e studentëve. Përdorimi i teknologjive të tilla të të mësuarit gjithashtu mundëson hulumtime me cilësi të lartë dhe praktika profesionale. Udhëhequr nga Universitetet tjera të njohura botërore, të cilat ofrojnë kompjuter portativ për çdo student të regjistruar kjo është një mundësi e madhe për universitetin tonë që të bëhet pjesë e kësaj risie. Ky studim është bërë me të vetmin qëllim, pra për të rritur numrin e kandidatëve student në UEJL duke përfshirë një nga disa

propozimet që lidhen me sugjerimin se çdo ose disa studentë në UEJL duhet të marrin një kompjuter portativ.

## Апстракт

Универзитетот на Југоисточна Европа (ЈИЕУ) користи широк спектар на технологии за учење кои го подобруваат образовното искуство, инспирираат иновативни настави и поттикнуваат успех на студентот. Употребата на вакви технологии за учење исто така овозможува висок квалитет на истражување и професионална пракса. Предводени од други светски реномирани Универзитети, кои обезбедуваат пренослив компјутер за секој запишан студент, ова претставува голема можност за нашиот Универзитет да биде дел од оваа иновација. Ова истражување е направено со единствена цел, да се зголеми бројот на апликанти во ЈИЕУ преку инкорпорирање на еден од неколкуте предлози поврзани со идејата дека сите или одредени студенти на ЈИЕУ треба да добијат мини лаптоп.

## Research about Current Situation on the International Level Regarding the Subject

AECT defined Educational Technology as “Educational technology is the study and ethical practice of facilitating learning and improving performance by creating, using and running appropriate technological methods and resources.” Below you can find the list of several well known world Universities where technology is provided in this way.

- Faculty of Engineering and Applied Science at UOIT, Canada [<http://www.engineering.uoit.ca/about>]
- SUPINFO International University, Institute of Information Technology, France [[http://www.supinfo.com/en/9332bb31-14ef-4fca-a329-f846728e4184/offre\\_ordinateur\\_portable\\_dell\\_apple\\_supinfo.aspx](http://www.supinfo.com/en/9332bb31-14ef-4fca-a329-f846728e4184/offre_ordinateur_portable_dell_apple_supinfo.aspx)]
- Arab Open University, Kingdom of Saudi Arabia [<http://www.arabou.org.sa/en/laptopforstudent.php>]

- The University of Manchester, UK  
[<http://www.manchester.ac.uk/aboutus/news/display/?id=5317>]
- The University of Western Australia, Civil Engineering and Mining Engineering department  
[<http://www.civil.uwa.edu.au/students/computing/laptops>]
- FON University, Macedonia  
[<http://fon.edu.mk/content.aspx?cid=49&ln=sq>]

Another evidence of a need for this facility is an online poll made by the George Lucas Educational Foundation Edutopia with 2347 persons (<http://www.edutopia.org/should-laptops-replace-textbooks>). As illustrated in Fig. 1, more than 1600 respondents prefer laptops to textbooks (pool question: *Should laptops replace textbooks?*). This is due to the fact that new technologies can help facilitate learning in ways traditional textbooks simply cannot match.

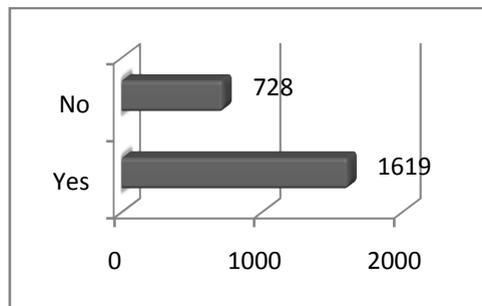


Figure 1 – Edutopia poll results

The world is becoming a digital world, and we need to instruct and prepare SEEU students to be digital citizens. This is a new age where almost everything is going to be digital and students are getting most of the information online, this can only be done through a computer or computer like device. This notation is due to the fact that our students have changed drastically. Today's students are no longer the people our educational system was designed to educate. Today's students – Digital Natives – represent the first generations to grow up with this new IT technology (Prensky, 2001). They have spent their entire lives surrounded by and using computers, internet, e-mail, videogames, digital music players, video cams, cell phones, and all the other service tools of the digital age. Our students today are all “native speakers” of the digital language of computers and the Internet.

## **Hypothesis and Predicted Benefits**

The main hypothesis is based on the belief that each student at SEEU should receive a mini laptop which will provide the opportunity for easy access to course materials, making quality presentations, communicating with faculty and other students, conducting research, and pursuing knowledge. If the students have laptops, the professors will be able to support the learning and teaching process, applying some advanced learning technologies. Whenever the laptops are appropriate to use, the faculty staff are trained and ready to involve this facilitation of the learning and teaching process.

We further believe that this is another way to make the relationship between our higher institution and students better. This initiative will support the improvement of the learning process and it is a great opportunity to market this University.

If the effectiveness of giving every student a laptop could be measured in enthusiasm, the results would surely show success and would improve the education process.

In this Award proposal, we intend to analyze and evaluate the supposed benefits of students having individual laptops, in terms of increasing engagement of students in their class work, easy access to learning resources and production of project and assessment work. We also plan to examine whether there are differences between SEEU Faculties.

## **Methodology**

In order to do this, we employed several methods to achieve the goal of this research. During this experimental period, we used questionnaires, personal interviews and an audit of student projects and work to make an evaluation. Also, we investigated the students' use and perceptions which focused on their experiences and opinions about SEEU IT background.

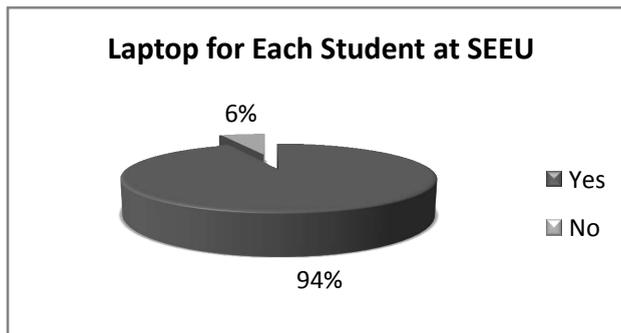
The evaluation methods (em) used are presented below:

- 1em.** An online questionnaire was e-mailed to third year undergraduate students from South East European University and it was completed by 250 participants from all SEEU faculties. The questionnaire included 17 questions sufficient to point to the student's expectations, preferences and opinions about various aspects of IT use in SEEU which can supply on proving our goal.
- 2em.** A paper questionnaire was given to 100 students from the Public Administration, Teacher Training and Computer Science Departments in May 2010 in order to extract the student beliefs regarding the possible benefits of using laptops for educational needs.
- 3em.** An experiment done during a make-up exam session for the courses offered by the Computer Center, done in February 2010 with 5 students from the Contemporary Science and Technology Faculty.
- 4em.** An experiment done with 23 Computer Science students enrolled on a Desktop Publishing course during the spring semester 2010 in order to extract the benefits of using laptops during teaching and learning sessions.
- 5em.** Experimentation done with two groups of students from the Computer Science and Business Informatics direction in December 2009 in order to analyze and compare the outcomes of teaching with and without IT facilities.
- 6em.** Research done with Public Administration and Teacher Training students on a IT-Skills Fundamentals course in March 2010 with the intention of exploring students' IT potential.
- 7em.** One more experiment done with community secondary school students enrolled on the Computer Center program: IT for Community during this spring semester 2010 with the aim of confirming that the laptops contributed to easy and professional responses to each practical task assigned during teaching sessions.

Below are presented in more detail the above evaluations, with recommendations concerning benefits and funding that could be considered by the Faculties and the University for future budgeting and decision-making.

## Survey Results

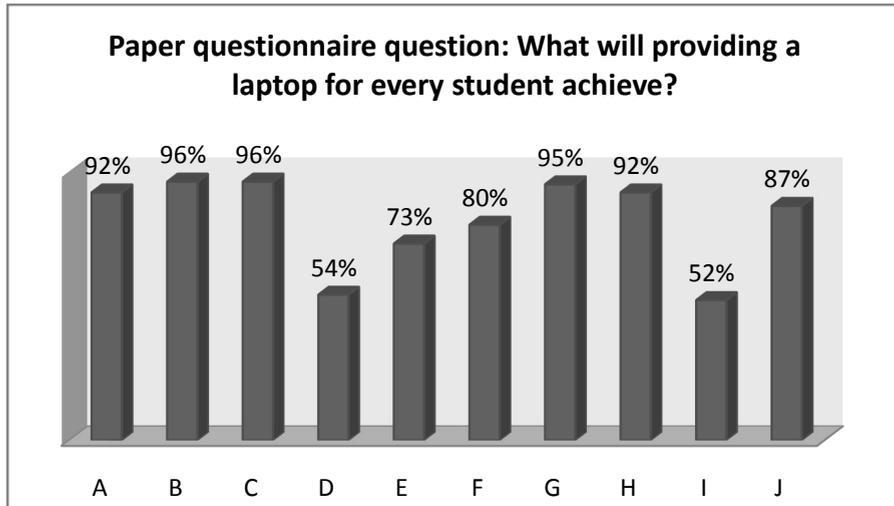
->**1em.** The first one was an online survey about Information Technology Use, and was sent to 250 SEEU students from all SEEU faculties focused on students IT needs and expectations. The results below show that 94 % of SEEU students believe a laptop will improve their learning capabilities.



*Figure 2 – Online survey results*

If the effectiveness of giving every student a laptop will be measured in enthusiasm, the results will surely show success and will improve the education process.

->**2em.** Based on a second paper questionnaire, the results show that the benefits of laptops which were predicted are confirmed by the results. The question was: What will providing a laptop for every student achieve? The students could mark more than one option. We get the following results:



- A. Easy and fast organization of learning materials (92 %)
- B. Effortless resource gathering (96 %)
- C. Building student confidence (96 %)
- D. Alternative learning opportunity (54 %)
- E. Simple and uncomplicated online researching (73 %)
- F. Improved student attainment in all course areas (80 %)
- G. Increased technology literacy (95 %)
- H. Increased commitment of students in their class duties (92 %)
- I. Lowered rates of absence (52 %)
- J. Decreased disciplinary problems (87 %)

The results clearly demonstrate the benefits to learning from the point of view of the teacher. However, the use of computers in the classroom must be accompanied by a positive teacher approach and pedagogy that maximizes effective use in and out of class.

Some of the student comments from both the above evaluation methods (1em and 2em) are presented below:

- As a SEEU student, I trust that laptops would be very supportive inside and outside of the classroom organization. There are many enjoyable and educational ways to use IT technology in the class with Power Point presentations and interactive websites. Laptops would also let us do research topics online for lesson preparation.
- I consider that laptops are very helpful to students. I think we as students should be able to use laptops in each classroom. Computer

skills are starting to become one of the most significant things to learn in any classroom.

- >**3em.** In order to show the benefits if each student had a laptop, on the examining session for the course IT-Skills Fundamentals, because it is an online exam, we told 5 students to take their laptops, to connect them to the campus network and to log into the INSOFT system. The login process was successful and no problems appeared when students were completing and sending the test. It is good to say that nearly 450 students took this test and the computer center has only two computer labs in which MS Office 2007 applications are installed. Because these students took their laptops with the appropriate version of the MS Office package, they helped the testing to be completed in a shorter period without issues.
  
- >**4em.** Another experiment was done with CST students from a Desktop Publishing course. Five students were told to bring their own laptops and the rest of the students used the available computers in the lab 701. From session to session, students who worked on their laptops did not face problems like slow logging into the network, opening the software application without time-consuming and disconcerting difficulties. From the other side, those students who worked on lab computers had several problems like waiting a long time to log on into the network, slow opening of the applications, computer log, no internet access, namely working with limitations which badly affected their concentration and work.
  
- >**5em.** A practical experiment was designed to observe the circumstances without laptops (IT) and with laptops in the classroom. Therefore, a lecture about “The History of Computers” was presented to 2 groups of different students from the Computer Science and Business Informatics directions. The difference was that in the first group, they used an ordinary method for teaching – with no IT, while in the other the subject was presented using IT (projector and computer). At the end, the same quiz was given to both groups of students, with several questions from the subject. The goal was to check the supposition that IT improves learning. That was proved. The group which followed the lecture where laptops were included

in the teaching process showed significantly (20 percent) better results compared with the other group.

- >**6em.** Another experiment was done with Teacher Training and Public Administration students from an IT-Skills Fundamentals course. We did this experiment with three groups of mixed students from the above departments. Some students were told for each practical session to bring their laptops and the other students had to use the available computers in the lab 701. The same problems like the previous experiment came up with those students who worked on the lab computers such as long time waiting to log in, slow opening of the MS Office applications, from time to time several computer logs appeared, no internet access or instant internet logs. The students with laptops did not face these problems and they could work without any limitation or disturbance.
  
- >**7em.** One more experiment was done with students for the course offered from the Computer Center to the community. We have one group with 10 students from several secondary schools from Tetovo. One student in the group had his own laptop and he didn't have a problem with the presentation of his homework, following the teaching process with attention and delivering homework on time. This contributed to his bigger involvement in the class and better results than the other students who did not have laptops. They always complained that they had some problems and they rarely brought homework on time. If they had to save some files for the next practical session, they often forgot to bring them. Also, they could not follow the teaching process so easily due to the issues previously mentioned which affected their successful participation in and completion of the classes and course.

## **SEEU Staff Opinion Regarding Project Idea**

### **Prof. Dr. Zamir Dika, Rector Elect**

Emerging requirements of the society/industry for qualified workforce have put Higher Education institutions in an environment of rapid changes. The reforms undertaken by HE institutions are in the line of strengthening the competencies and skills of the graduates in preparing them to face immediately the requirements of the real working place. To achieve this, there is an imminent need for enhancing the student learning. On the top of this, adding the ever growing importance of ICT in our life, the integration of ICT tools with the learning paradigm becomes an emergent need. SEEU, as a new university within the contemporary university campus, can use the benefit of the wireless technologies in achieving this aim. This pilot-project can give us concrete answers on the usefulness, efficiency and added value that ICT can bring to enhance the learning experience of students. Measuring the performance before and after use of ICT can help us to design a "fit for purpose" approach if we decide to extend it for all students in the university.

### **MsC. Veronika Kareva, Director of the Language Center**

From the point of view of a language teacher, if every student had a laptop, that would make it possible to implement CALL (Computer Assisted Language Learning) which will definitely increase learning opportunities a lot. Not to mention the benefits of using other technological tools in class like on-line dictionaries and Internet resources.

### **MsC. Besa Arifi, Head of Human Rights Centre, SEEU**

I think the idea of providing mini-laptops for every student is very useful with regard to the teaching and learning process. First of all because the students will be able to access the needed information more effectively, for example, they will be able to access the power point presentations given by the teacher directly, without having to wait for a printout copy or something else. Actually, I also think that it would be very good for the environment to have less printed copies from the handouts and use more the electronic sources. Besides, the students would be able to write down their notes immediately in their computers which will be very helpful for them to organize their work further on. And of course, they would have everything

they need in just one little piece of technology which they can easily carry with themselves during the whole period of their studies. And finally, I find the idea of providing these laptops for free to the students with disabilities and those that have a scholarship as a very human and generous one. I very much support this project and would like to help, where it would be possible.

**Doc. Dr. Bekim Fetaji, DEAN of Faculty Contemporary Sciences and Technologies, SEEU**

From the aspect of improving student learning capabilities I'm suggesting the following benefits:

- 1) Improved access of information on real time because of its mobility
- 2) Transformed convenience of having familiar environment and software needed
- 3) Account privileges and no limitations to install needed software and their customization
- 4) Increased online participation and interactivity with teachers and colleagues
- 5) Increased level of communication

**Amir Aliti, Acting Director of Business Development Center, SEEU**

I personally think it is a good idea for each SEEU student to have a laptop rather than to have a reduction in the price in terms of improving the education quality and enhancing the competitive position with other Universities.

**Fadil Zendeli, PhD, Public Administration Faculty & Political Sciences, SEEU**

The idea that each student should get a laptop is worth supporting. I think this idea is in accordance with the guidelines for the development of our university. SEEU students have to acquire new knowledge in information technology in order to be ready for tomorrow they will be in the labor

market. The laptop today is no longer a luxury but an everyday need for faster and more effective way to carry out the obligations of the students in their faculties and contributes better and closer communication between teachers and students.

**Doc. Dr. Lejla Abazi-Bexheti, Director of Computer Center, SEEU**

Below I represent my opinion regarding the idea of offering a mini laptop to each student at SEEU. The computers in general and especially laptops help a lot in enhancing student learning. But, I don't think that by giving students in our Faculty laptops we can achieve better teaching and learning outcome. Of course, I am part of the teaching staff at the Faculty of Contemporary Sciences and Technologies, where students work in computer labs provided with Personal Computers for each of them. From the perspective of other faculties the situation might be entirely different.

**Arlind Musliu, ID 116863, 1st year SEEU student,  
Faculty of Business Informatics**

My opinion is that we do need mini laptops for everyday use. Libri and Webmail are one of the many factors why do we need laptops, so we can maximize the use of technology and e-learning. We have many assignments which need to be done through computers and this also shows that the usage of laptops for studying purpose is huge. Because of the economic crisis, many of the students cannot afford to buy personal computers even though using them is a must. That's why I strongly agree that a laptop for every student is a necessary thing to do.

## **Conclusions**

In conclusion, seven different research methods were used, with more than 480 SEEU and community students from all faculties accompanied by SEEU staff opinions.

The main conclusion from the hypotheses is proven: that the use of individual student laptops supports effective learning and encourages students to participate and produce good quality work with minimum technical issues.

The following benefits can be identified:

- Students can use computers for “internet searcher hunts” on a certain topic.
- Students are able to do group projects more easily.
- There would be a bigger variety of topics students would be able to research by using the internet, when libraries may not have all of the appropriate resources.
- Laptops help teachers out immensely. It would help teachers create new lessons plans as well as organize their materials and provide easy access to students.
- Increasing students’ knowledge of IT technology.
- Better and easy communication between SEEU institution and students.
- Students’ with special needs can be supported in their work through the use of laptops.
- With laptops, students can easy access course learning resources.
- With laptops, students can make quality presentations.
- With laptops, students can communicate with faculty and other students.
- With laptops, students can more easily conduct research.
- With laptops, students can more easily pursue knowledge.
- The use of laptops increases the engagement of students in their class work.
- Laptops would also benefit the families of students. This laptop may be the only computer the family has, so everyone would be able to use it.

## **Specification to meet Research Proposal**

### **Laptop Hardware**

Each student receives a current model of a mini laptop, complete with quality performance hardware and software packages. The model and specifications are selected to match the software requirements for the education needs. Training and individual support should be provided through the Computer Center for both teachers and students.

## **Laptop Software**

Each SEEU student receives on their laptop a customized software suite (Windows 7) designed to enhance the learning experiences in all courses. This software is already available for each SEEU student for free, so it doesn't need to be included in the laptop fee. Other software packages are left for students to install themselves.

## **Laptop Support and Service**

The University should ensure access to on-going support and service for each student. The Computer Centre should provide personal assistance in configuring, installing and testing software. Helpdesk services also will be available at the Computer Centre.

## **Academic Guidelines for Using Laptops**

The opportunity to have a laptop should enrich students' learning experiences at university and at home. For this reason, the students will adhere to the SEEU prepared guidelines for laptop care and use. Violations of SEEU prepared guidelines will result in disciplinary action to correct inappropriate use by students. The use of SEEU laptops should strictly focus on educational use. SEEU laptops should NOT serve as entertainment for students or to distract them from the educational mission of the SEEU learning environment. Students who violate the SEEU guidelines for use should lose privileges associated with the laptops.

## **Costing**

Proposed are several analyses of how we fund the realization of this project. Some market research was done in order to know the approximate cost of laptops. We contacted two computer stores:

- AMC Computers - Skopje
- PAN Computers - Tetovo

Both companies told us that the laptop costs by 1 piece will not exceed 200 Euros. But because the prices in this district are changing weekly, we could not make a final total cost of this project.

The software is already provided by the University for free.

[http://msdn62.e-academy.com/elms/Storefront/Home.aspx?campus=seeu\\_cs](http://msdn62.e-academy.com/elms/Storefront/Home.aspx?campus=seeu_cs)

### **Branding**

Here are several suggestions for the brands of Mini Laptops that could be considered. Their regular price by piece is around 330\$.

<http://eeepc.asus.com/global/product1101ha.html>  
<http://eeepc.asus.com/global/news.html?n=4>  
<http://event.asus.com/eeepc/windows/index.html>

### **Suggestions**

Below are listed several proposals that can be taken into a consideration regarding this project. Other funding proposals may be possible. Please note that any project could be piloted with a targeted group of students and could be realized over a period of time:

#### **1st proposal**

A laptop at half price for each SEEU student should be available as part of their study fees over a period of 3 years and the other half should be funded from a University budget.

For Example:

Cost of the Mini Laptop:	200 Euros
1 <sup>st</sup> half – Student:	100 Euros (over 3 years)
2 <sup>nd</sup> half – University:	100 Euros

### 2nd proposal

A laptop should be provided free to each full-time student from a University budget.

Cost of the Mini Laptop:	200 Euros
University:	200 Euros

### 3rd proposal

A laptop should be provided free to each full-time student who gets some kind of scholarship from a University budget.

Cost of the Mini Laptop:	200 Euros
University:	200 Euros

If we take into account the small number of students in receipt of scholarships and if a small amount of money allocated from a budget was reserved (for example, from marketing where now, fewer applicants read printed materials), we can easily realize this idea.

### 4th proposal

A laptop free to each SEEU student with GPA over 9.00 should be available from a University budget.

Cost of the Mini Laptop:	200 Euros
University:	200 Euros

This proposal is to motivate a little bit those students who will have GPA more than 9.00 to get laptop for free. This is a good way to market our University and to make students to give their best in enhancing their learning possibilities.

### 5th proposal

A laptop free to each SEEU Master student should be available from a University budget.

Cost of the Mini Laptop:	200 Euros
University:	200 Euros

In all four previous proposals, the SEEU students with disabilities should get the laptops for FREE plus proper equipment to use them (Advice can be received from the “Open the Windows” association for support and promotion of accessible information technology for persons with disabilities - <http://openthewindows.org/>).

### Educational Research

The world is constantly changing and ways in which we function at home, work and school are also changing. The speed at which technology has developed plays a major role in these changes. From e-mail to on-line classes, computers are definitely influential in our lives, and can enhance the learning process in education in various ways. With the increasing popularity of computer technology, it is essential for administrators to support and encourage computer technology in our institutions.

Computers are important in education because they force us to reconsider how people learn, how they are empowered, and what the nature of learning and useful information is (Gulley, 2003). Below are presented several research studies where is presented the positive influences of having computers in the classroom.

<http://www.aare.edu.au/01pap/ste01110.htm>

Reviews of the literature into computer-based learning have revealed several common themes. One theme in particular is in relation to the theoretical perspective that appears to most effectively support computer technology in the classroom. Known as social constructivism, this perspective establishes learning as a social experience and posits that mediational tools (such as the computer) transform the ways in which

individuals interact with one another and with their learning environment in general.

<http://lrc.udayton.edu/faculty/eclassroom/advantages.htm>

Provides opportunities for "active-learning" activities in the classroom. In an e-classroom, "passive-learning" approaches such as lecturing may still be a valid approach, but can frequently be best used to introduce basic concepts that are exercised with notebook-enhanced active-learning exercises. Active learning occurs when the student becomes more engaged with the course material. The one-on-one nature of computers and the highly interactive nature of modern software or Web sites enables a high level of engagement.

<http://www.digitallearning.in/articles/articledetails.asp?articleid=1961&typ=CORPORATE%20DIARY>

With the advent of computers and technological advances like the Internet, the face of education world over has changed. Be it school education, higher education, teacher training or distance education, the use of technology in some form or the other is prevalent. There is a definite change in the entire teaching-learning process. Government systems have acknowledged the benefits and there are enough examples to illustrate that technology based education is here to stay along with the traditional methods.

<http://www.brighthub.com/education/k-12/articles/5638.aspx>

Students gain word processing skills when learning to write on the computer. Working on computers fosters collaboration between students and between student and teacher. Often leaders emerge who really enjoy computers and can help others. Computer time promotes problem solving skills. Computer time increases responsibility and independence. Students have a natural form of discovery and often learn by trial and error. Computers can reinforce or even teach instruction through integrating across the curriculum.

<http://www.allbusiness.com/marketing-advertising/market-research-analysis-market/7186360-1.html>

A new nationwide survey released today shows that nearly all of the nation's elementary school teachers think that computers are powerful motivators for getting students more interested in learning. The survey also

highlights two areas in need of improvement: U.S. elementary teachers say they need more classroom computers and more training.

<http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202427281076&hblogin=1>

The study of more than 29,000 students at 85 law schools found that students who frequently used their laptops to take notes, review ideas from past lectures or read a self-prepared case brief were more likely to come to class prepared, contribute to class discussions and synthesize material across courses. They were also more likely to work hard to meet faculty expectations.

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# Tax Competitiveness and FDI in Albania

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## Abstract

The main focus of this work is analyzing the impact of statutory corporate tax rate in foreign direct investment. The statutory corporate tax rate applied in Albania is from the lowest tax rate relative to both developed in developing countries, this is consistent with economic theory that expects in small countries not only a small tax rate but also interdependence in the rates these countries impose.

The main findings of this work are that statutory corporate tax rate has negative impact in FDI inflow, consistent with economic theory. Market size measured by GDP per capita has positive and highly significant impact on FDI, which states that the purpose of FDI has also been serving local market. The EBRD index on infrastructure and openness of domestic market foreign trade has both positive impacts in attracting foreign investment.

The average nominal wage has negative impact on FDI flows. This is in accordance with economic theory which suggests that the type of FDI made in transition economies are directed by cheap labor costs that exist in these countries.

**Keywords:** Statutory corporate tax rate, FDI, Fiscal incentives

## **Abstrakt**

Fokusi kryesor i këtij punimi është analiza e ndikimit të normës së taksave me status preferencial për korporatat në investimet e huaja direkte (IHD). Norma e taksave me status preferencial për korporatat që aplikohet në Shqipëri është një nga normat tatimore më të ulëta në krahasim me vendet e zhvilluara dhe vendet në zhvillim, kjo është në përputhje me teorinë ekonomike ku pritet që vendet e vogla jo vetëm të kenë normë të ulët tatimore, por edhe ndërvarësi në normat që këto vende i imponojnë. Konstatimet kryesore të këtij punimi janë se norma taksave me status preferencial për korporatat ka ndikim negativ në fluksin IHD, në pajtim me teorinë ekonomike. Madhësia e tregut e matur nga PBB për fryme ka ndikim pozitiv dhe është shumë e rëndësishëm për IHD, ku thuhet se qëllimi i IHD gjithashtu i shërben tregut lokal. Indeksi i BERZH për infrastrukturën dhe hapja e tregut të brendshëm për tregtinë e jashtme ka ndikim pozitiv në tërheqjen e investimeve të huaja. Paga mesatare nominale ka ndikim negativ në rrjedhat e IHD-ve. Kjo është në pajtim me teorinë ekonomike e cila sugjeron se lloji i IHD-ve të bëra në ekonomitë në tranzicion janë të udhëhequra nga principi i fuqisë së lirë punëtore që ekziston në këto vende.

**Fjalët kyçe:** Norma e taksave me status preferencial për korporatat, IHD, Stimuli fiskal.

## Апстракт

Овој труд во главно е фокусиран на анализата на статутарната корпоративна даночна стапка во странските директни инвестиции. Статутарната корпоративна даночна стапка која се применува во Албанија е најниската даночна стапка во однос на развиените земји и земјите во развој што е во согласност со економската теорија со која се очекува во малите земји не само да се применува мала даночна стапка туку и да има меѓусебна зависност во стапките кои овие земји ги наметнуваат.

Резултатите од овој труд се дека статутарните корпоративни даночни стапки имаат негативно влијание врз приливот на странските директни инвестиции што е во согласност со економската теорија. Големината на пазарот мерена според бруто домашниот производ по жител има позитивно и значително влијание врз странските директни инвестиции со што се истакнува дека целта на странските директни инвестиции е да служат на локалниот пазар. Индексот на Европската банка за реконструкција и развој за инфраструктурата и отвореноста на домашниот пазар за странска трговија исто така има позитивно влијание во привлекувањето странски инвестиции.

Просечната номинална плата има негативно влијание врз приливот на директни странски инвестиции. Ова е во согласност со економската теорија која укажува дека видот на директните странски инвестиции во економиите во транзиција е раководен од евтините трошоци за работната сила кои постојат во овие земји.

**Клучни зборови:** Статутарна корпоративна даночна стапка, директни странски инвестиции, фискални стимуланти

## Introduction

In the last year in developing and developed countries has been a considerable decrease in statutory corporate tax rate. In Albania since the beginning of year 2008, is applied a low rate of 10% of statutory corporate tax rate that is significant low relative to average statutory corporate tax rate applied in EU-15 at about 27.15% but comparable to some regional countries like Bulgaria, Serbia and Bosnia and Herzegovina. In the study we are focused on finding empirical evidence of the impact of using corporate income tax as fiscal incentive to attract FDI. From theoretical perspective CIT rates in small countries like Albania is expected to be relative small relative to big counties, and interdependence in the rates they impose (see Randelph 2005).

Since the statutory corporate tax rate that a country apply is not the only tax that may affected FDI location, but other taxes such as labor taxes and other indirect taxes may also influence investment decision, in this work is done a analyze of main taxes applied in Albania and comparison with that applied by neighbor countries.

The total volume of FDI inflows in Albania is among the lowest relative to regional counties. This means that investment decisions are not only affected by the statutory corporate tax rate but also on the measurement of the tax base (Devereux 2007). In some region countries like Croatia, Macedonia and Serbia are used tax holiday as fiscal incentive. Depreciation method that the countries use for tangible assets has also a significant impact in determination of tax base. In two regional countries Bosnia and Herzegovina and Romania is applied accelerated depreciation method with a maximum depreciation rate of about 50% relative to linear depreciation method applied in Albania.

In empirical work based on the panel data for regional countries for the time period 2001 -2008, is analyzed indirectly the impact of tax competitiveness by looking for the responsiveness of foreign investment to corporate rate. In the model are included control macroeconomic variables, such as GDP per capita, average wage, openness to foreign trade, and EBRD transition index, because in the literature is broadly accepted that fiscal incentives could not replace a sound macroeconomic environment.

## **Reduction of Statutory Corporate Tax Rate and Tax Reform in Albania**

In Albania, despite the substantial decrease in statutory corporate tax rate, have been introduced other important tax reforms, with significant consequences for budget revenue and a sound fiscal policy. Since the FDI inflow do not affect only by statutory corporate tax rate but they may be also affected by other taxes such as labor taxes and other indirect taxes below are discussed briefly the main taxes applied in Albania relatively to regional countries.

An important part of reform on budget revenue in Albania has been the introduction of VAT in year 1995, with the law number 7928. The rate of VAT, applied is 20% without reduction rate, with a registration threshold of about €65,570. This threshold is relatively high compared to region countries such as Macedonia and Monte Negro, where the registration threshold is respectively €25,500 and €18,000. In these countries is applied a two tail VAT rate, with the base rate 15% for Macedonia and 17% for Monte Negro, and a decreased rate of about 5% and 7% respectively.

In year 2000 Albania has become member of WTO and in the framework of this membership has started the process of reduction of custom tariffs based on the law number 8981 "For approving of custom tariffs". The contribution of custom tariffs in total tax income revenue has been decreasing since then. (Aarnes 2004), support the use of excise tax and consumption tax like VAT to cover the losses of income.

Since imported goods are subject of VAT and excise taxes, and exported goods are generally excluded, the use of consumption to cover the fiscal loses is supported by other authors. (Buettner, Hertz, and Nam 2006), in their study have found empirical evidence that in terms of fiscal revenue the use of consumption taxes and in particular VAT has been successful in developing countries. A similar conclusion is drawn by (Cnossen 2005) about excises.

In Albania is applied a zero rate for exported goods and international services. Since the implementation of this tax, there have been some changes. In year 2001 from VAT were excluded machineries and equipment; in year 2004 were excluded renting of public building, university services and casinos; in year 2005 was placed VAT for the first sale on residences,

for airplanes flying and for leasing services, in the same year were excluded from VAT subcontracts and some services related to merchandise.

Excise tax has an important contribution in total tax revenue. The legislation for excise in Albania has been subject of frequent changes. Law No. 8717 date 15 December 2000, implement tax from tobacco and alcoholic drinks, in year 2004 are made some changes in law No. 8976 date 12 December 2002, has decided the increase of oil excise from 50% to 65%. In year 2005 there was a further increase in group of alcoholic drinks and perfumes from 100 lek/liter to 130lek/liter. In year 2006 with president of the republic act No. 5018 have been increased the excise rate for cafe with 10 lek/liter, alcoholic drinks with 20 lek/liter and tobacco with 15 lek/packet. Further increases in excise tax have been present in the fiscal package in 2007, 2008, for alcoholic drinks such as vein, and bier an increase of about 30lek/liter from the present level, for alcoholic drinks with alcoholic power relative to their volume above 12% the increase is 40 lek/liter and 20 lek/liter for the alcoholic drinks with alcoholic power to their volume less than 12%. For malto bier importer and domestic producers in an amount more than 200,000 hectoliter the increase is about 10 lek/liter. In this year is increased with about 4 lek/liter the excise of the fuel.

Both VAT and excise taxes have had a positive impact on total fiscal revenues. Adjustment of excise in year 2006 has had a small positive impact on budget revenues generated from this tax. It is noticed a significant positive impact of broadening VAT base in year 2005, in total income generated from this tax after this year. Both these taxes have contributed positively in generating fiscal revenues and managed to offset the negative impact of tariff reduction after starting trade liberalization process.

**Table 1: Tax revenue percentage breakdown in Albania for the period 2000 -2008**

	2000	2001	2002	2003	2004	2005	2006	2007	2008
VAT	36.61	35.42	35.76	35.47	35.06	35.09	36.16	38.48	40.11
CIT	7.79	8.82	9.46	8.45	9.82	10.45	10.85	9.25	6.90
Excise tax	8.79	8.22	7.23	7.54	9.52	10.06	11.19	12.58	12.91
Small business tax	1.57	1.69	1.97	1.98	2.47	2.07	1.27	0.96	1.13

PIT	4.41	5.42	4.77	4.83	4.16	4.03	4.18	6.49	8.52
Other taxes	7.27	8.28	8.46	9.02	7.29	6.91	6.33	6.35	5.48
Custom duties	13.01	11.01	10.38	9.53	8.37	7.40	6.81	4.29	3.23
Property and local taxes	1.26	1.75	2.08	3.25	3.01	4.08	4.14	3.11	3.26
Social insurance contribution	19.26	19.37	19.88	19.92	20.06	19.69	19.13	18.40	18.46

*Source:* Ministry of Finance Albania

An important part of tax reform in Albania was introduction of flat income tax in year 2007. From progressive income tax we moved to flat tax of about 10%, with a tax exclusion of the income below lek10,000. The impact of flat income tax in budget revenues is expected positively because the lost from the rate are gained from the tax base (see Evans and Aligica 2008). Implementation of flat tax has had a positive impact in Albania, the total income generated from this tax in year 2008 has had a substantial increase (more than double) relative to the period where the progressive income tax were applied. The main contribution of sustainable increase of PIT, was caused by taxation of wages in private sector and implementation of reference wages for this sector in year 2007.

Another important feature of tax reform in Albania has been the decline of corporate income tax. The decline of statutory corporate tax rate has been a feature of tax reform in many other transition economies, that have choose to apply a low rate in a contest of fiscal policies that aim simplifying their tax system in order to make their country more attractive to foreign investors (see Norregaard and Khan 2007). In Albania on 1 January 2008 the statutory corporate tax rate decreased from 20% to 10%. For businesses operating in Albania being or not a subject of this tax depend from their annual turnover, and not from juridical form of business organization. The impact of reduction in statutory corporate tax rate in total tax revenue is according to (Griffith and Klemm 2004), is an empirical question, because of changes in tax base, such as rate of incorporation. In Albania the contribution of this tax in total tax income has had a considerable decrease for year 2008 of about 25.40% relative to the previous year.

Social contribution has an important role in total budget revenue in Albania. The current law for social contribution is implemented in year 1993 with two amendments of year 1995 and 2007. The amount that the insured person should pay has changed from 9.5% in year 1993 to 8% in year 1995, the minimum earning for contribution purposes were 11,800 lek and maximum equals to five time the minimum monthly wage. The rate of 8% remained unchanged with the amendment of the year 2007 but there has been an increase in minimum monthly wage 13,140 lek and the maximum five times the minimum wage of about 65,700 lek. The amount paid by employer is also decreased from 29.9% in year 1993 to 21.7% of monthly payroll in year 2007. The payment made by self employed person implemented in year 1995 has also been subject of changes in year 2007. From 39.2% of the minimum monthly wage of about 11,800 lek in year 1995, self employed pay 33.2% of the minimum monthly wage which has a slide increase in about 13,140 lek. From the date reported in above table social insurance contributions have had a considerable decrease after changes in the law in 2007 relative to the previous period.

The total tax revenue in Albania has had a considerable increase in time, during the year 2008, the government was able to collect about lek214,577 million relative to lek184,029 million in the previous year.

## **FDI and Corporate Taxation**

A present statutory corporate tax rate of 10% applied in Albania is in the same line with statutory rate applied in some region countries such as Serbia, Macedonia and Bulgaria, and substantially low relative to other countries. In this respect could be said that this tax is used by respective government in transition economies as a significant incentive (see Šimovic 2009). This rate is significant low relative to average statutory corporate tax rate applied in EU-15 at about 27.15% for the same year. From international perspective, are expected low statutory CIT rates in small countries relative to big counties, and interdependence in the rates they impose (see Randelph 2005). (Pisari 2008) supports the interdependence in tax decision in developing countries with the argument that this countries are not strong enough to decide their own rules. (Dharmapala and Hines 2006), have found the positive impact of decreasing statutory corporate tax rate in the volume and location of FDI. Increased economic integration between countries has made tax incentive a decision factor with growing importance related to FDI location.

Even though tax incentives are considered important factor for attracting FDI, they are not the most determinant factor, other factors such as economic condition of a given country, host country policies, and attractiveness of national economy<sup>i</sup> (see Joong 2007, Botric and Škufič 2006) are important determinants of FDI flows and cannot be replaced by fiscal incentives. (Edwards and Rugy 2002), have specified in their work, economic fundamental as more important determinants of FDI flows. (Morisset 2003) state that by decreasing the statutory corporate tax rate may impact investment decision, but other factors many of them specific for a given country are also very important for foreign investors when they decide where to invest. This conclusion is supported by (Boadway and Shah 1992)

In the following table for region countries together with statutory corporate tax rate are represented population and GDP per capita which are determinant of market size in the host country, and measure of income or purchasing power capacity in the host country.

**Table 2: Cross country basic economic indicators**

	Albania	Macedonia	Serbia	Croatia	Bulgaria	B&H	Romania
Population(million)	3.2	2.0	7.5	4.4	7.7	3.8	21.7
GDP per capita (in US dollars)	2,866.3	3,113.1	3,834.7	9,582	4,088.7	2,999.8	5,616.8
FDI (in million USD)	450	170	3,000	3,844.8	5,389.2	1,500	5,131.2
CIT	10%	15%	10%	20%	10%	10%	16%

*Source:* IMF financial statistic database

From the figures reported above all south east European countries are small countries, relative to European Union, with the population for EU-27 of about 429,9 million and GDP per capita €23,400. The first two indicators are related with FDI market seeking, and are expected to have a positive impact in total volume of foreign direct investment. The statutory corporate income tax is related with type of FDI that are assets or resource seeking, and is also expected to have a positive impact in FDI flow. All the countries with the Bulgaria exception are candidate countries for EU accession and less developed relative to CEEC. Therefore is expected that FDI in these countries should be driven also by cheapest factors of production, especially labor, and economic integration can increase vertical FDI between member states. (Estrin and Meyer 2008) have determined labor as key resource of

transition economies, and found that unit labor costs are negatively associated with FDI. Their finding supports the hypotheses that foreign investor in developing countries are cost sensitive.

The amount of FDI varies a lot between region countries. Even though the statutory corporate tax rate in Albania is in the same line with that applied in Serbia, Bulgaria, and Bosnia and Herzegovina, the amount of FDI is substantially low. From the figures reported on the above table, in countries that the statutory corporate tax rate is relatively high, the FDI volume is high. Therefore FDI flows could not only be affected by statutory corporate tax rate. This conclusion is supported by (Devereux 2007) that supports the idea that investment decisions depend not only on the statutory tax rate, but also on the measurement of the tax base. In some countries under survey is used holiday tax as tax incentive.

In Croatia even though the statutory corporate tax rate is about 20% since the year 2001, this country use as fiscal incentive for foreign investment holiday tax, which offers a deduced CIT rate of about 10% for investment until 1.5 million euro with the obligation to employ at least 10 new employees. In this country are offered despite 10% reduced rate, 7%, 3% and 0% CIT rates for higher foreign investment volume and numbers of new employees.

In Republic of Macedonia is also applied tax holiday for companies with foreign shareholders with holding at least 20 percent for the first three years following that investment. The CIT that the companies should be pay is calculated in the base of statutory CIT rate multiplied by the difference between 100 percent and the percentage of foreign capital invested. The companies that are owned thoroughly by foreigners CIT is zero for the first three years. Technological industrial development zones offer the investors a corporate tax holiday for 10 years (with the 10 percent tax rate thereafter).

Tax holiday is applied in Serbia. Companies are exempt from corporate profit tax for a period of 10 years, starting from the first year in which they report taxable profit if they invest in fixed assets an amount at least 7.5 million euro, and throughout the investment period they employ at least 100 additional employees on an indefinite contracts. A five years tax holiday is granted for concessions related investment, starting from the day the concession investment has been completed.

In Bulgaria is offered 0% corporate tax rate in high unemployment areas for a period of five years. In Bosnia and Herzegovina CIT could be brought down to a percentage of foreign investment into the company's assets for a

period of five years, with a condition that the foreign capital invested accounts for more than 20% of total investment. In Romania for foreign investment above USD 1 million is applied additional profit tax deduction of 20% of their value.

The taxable base despite the reduced rate is also affected from depreciation method that specific countries use. (Ederveen and Mooji 2008), state that international differences between depreciation allowances, valuation of inventories and the tax treatment of capital gain cause differences in the taxable base of corporate income. In Albania, Macedonia, Croatia and Bulgaria is used the straight line depreciation method. The depreciation rate that vary from 5% to 25% in Albania, from 1.65% to 100% in Macedonia where the highest depreciation rate is used for fixed assets other than land and building, and from 5% to 50% in Croatia, depreciation rate vary from 4% to 33.3% in Bulgaria. In Serbia are available two types of depreciation method, straight line and reduced balance. The depreciation rate varies in this country from 2.5% to 30%. In Romania and Bosnia and Herzegovina is used accelerated depreciation method with the maximum rate of 50%. In Bosnia and Herzegovina purchase value of computer hardware and software can be deducted fully in the year of purchase.

Based on the differences that exist in tax bases between countries often are used effective tax rates, and study their impact on FDI flows. By relaying on macro data and methodology used by (Schaffer and Turley 2000) in this work are calculated two indicators of tax performance, corporate income tax revenue productivity and normalized tax yield index.

The first indicator is calculated by dividing total corporate income tax revenues by GDP and then dividing this by the general corporate income tax rate.

The second indicator, normalized tax yield =  $\frac{TR}{GDP} \cdot \frac{1}{T_{avg}}$

where  $\frac{TR}{GDP}$  is the effective tax rate on gross basis,  $T_{avg}$  is the statutory corporate tax rate and  $T_{EU-15}$  average statutory tax rate for EU-15 countries.

**Table 3: Indicators related to CIT performance in Albania**

Year	2003	2004	2005	2006	2007	2008
CIT to GDP ratio	1.9	2.1	3.2	2.5	2.2	1.7
Corporate income tax revenue productivity	0.095	0.105	0.115	0.125	0.11	0.17
Normalized tax yield	3.031	3.297	4.764	3.671	3.123	4.615
Normalized tax yield EU-15	2.95	3.03	3.21	3.37	3.46	N/A

*Source: Author Calculation*

From the above reported data could be said that after a decrease of statutory corporate tax rate in Albania there is a considerable decrease of ratio total revenue generated from this tax relative to GDP.

The corporate income tax revenue productivity, even though have had a slight increase in time has very low values, which means that in Albania this tax is not performing well in terms of producing revenues, given the prevailing tax rate.

The normalized tax yield in Albania compare with that of EU -15 from the same time period, reveals that the tax yield would have been higher in Albania if the statutory rate were the same as in EU-15 countries. From the reported date could be said that there is not a big difference between Albania and EU-15 normalized tax yield.

## **Econometric Analyzes and Results**

The impact of tax competitiveness could be analyzed indirectly by looking for the responsiveness of foreign investment to corporate rate. The estimated regression has the form:

$$= + + + +$$

Dependent variable log (FDI). Independent variable: statutory corporate tax rate (TAX), X is a vector of macroeconomic control variables that include GDP per capita in common currency, labor cost measured by average wage, openness to foreign trade, and EBRD transition index that

account for the progress made by the country under survey in infrastructure investment, allows for fixed effects variable across the countries, is the error term.

GDP per capita is used as a measure of market size in the host country. If the main purpose of FDI is market seeking, or serving local market is expected a positive relationship between FDI and GDP per capita.

Asset seeking FDI has the main purpose acquisition of resources not available in the home country or low cost inputs such as labor. For this reason in the model is used nominal wage as a proxy for the labor cost. If vertical FDI is dominant, we expect a negative sign of this coefficient.

The impact of trade in FDI inflows is measured by openness indicator, total import and export volume as a percentage of GDP. In literature FDI could be complement or substitute to international trade. There is not a generally accepted approach to this issue. (Tadesse and Ryan 2002), have analyzed the relationship between FDI and trade and have concluded that if the main purpose of FDI is access to cheap factor of production, this implies a geographical separation of the production process, therefore FDI could be a compliment to international trade.

**Table 4: Econometric Estimation**

**Dependent Variable: FDI, Method: GLS (Cross Section Weights), Sample: 2001 2007**

Variable	Coefficient	Std. Error	t-Statistic	Prob.
GDPP	0.945068	0.370974	2.547533	0.0139
CIT	-0.035065	0.019798	-1.771120	0.0825
OPEN	1.627202	0.760471	2.139728	0.0372
WAGE	-0.012505	0.004445	-2.813247	0.0069
EBRD	1.427006	0.657951	2.168865	0.0348
<b>Fixed Effects</b>				
ALB—C	-9.587810			
BHE—C	-10.77974			

BUL—C	-10.76703			
CRO—C	-11.44496			
MAC—C	-12.37302			
MON—C	-11.67094			
SER—C	-9.012003			
<b>Weighted Statistics</b>				
R-squared	0.990850	Mean dependent var	8.797301	
Adjusted R-squared	0.988130	S.D. dependent var	5.151305	
S.E. of regression	0.561240	Sum squared resid	11.65463	
F-statistic	1001.675	Durbin-Watson stat	2.062671	
Prob(F-statistic)	0.000000			

From the data reported on the above table there is a positive and highly significant relationship between FDI inflow and GDP per capita. (Nefussi 2006, and Susukpaibul 2007), have also found empirical evidence that FDI are stimulated by market size. Positive relationship between these two variables is found from (Zylfiu 2008) that has analyzed the performance of FDI in Macedonia. (Kinoshita and Campos 2002), have found that FDI into transition economies are mainly driven by the host country market size, availability of skills workers and sufficient infrastructure.

Statutory corporate income tax has a negative and relatively statistically significant impact on FDI inflow. (Gomes and Pouget 2008) have shown in their empirical work a significant negative relationship between statutory corporate tax rate and FDI inflows. They have estimated that on average 10 percent points increase in the statutory rate would reduce FDI inflows by 0.3 percent point of GDP.

(Bénassy –Quéré, Fontagné and Lahréche –Révil 2003), have shown empirically that high relative corporate taxation does discourage FDI inflows. Therefore, although market potentials do matter, corporate tax differentials also play a significant role in driving FDI flows. (Buettner 2002) has found that an increase in the difference between the statutory tax rates in the home country is related with an increase in FDI outflows.

Openness to foreign trade has a positive and highly significant impact on FDI inflow. This result is in the same line with the work of (Jaumotte 2004), that have found that trade has a positive impact on the FDI.

Labor cost has a negative significant impact on FDI, results that support the idea that FDI in developing countries are attracted by low labor cost. This result is supported by (Bevan and Estrin 2000), that have found empirical evidence that the unit of labor cost is negatively associated with FDI.

EBRD infrastructure index is positively and highly significant related to FDI inflows. (Ghinamo, Panteghini and Revelli 2007), have found in their work evidence of positive and highly significant impact of this variable.

## **Conclusion**

The importance of using tax incentives in order to attract more FDI inflow in transition economies has increased with globalization process. But fiscal incentives cannot substitute for other important factors that affect FDI flows, such as stable macroeconomic environment, this conclusion is consistent with that drawn by (OSCE 2003), that state that the usage of tax incentives, is no substitute for pursuing the appropriate general policy measure.

Even though the low statutory corporate tax rate applied in Albania the volume of FDI inflow is among the lowest compare to regional countries. From the analyze made resulted that regional countries despite the statutory rate that were comparable with the rate applied in Albania use also other incentives such as tax holiday, accelerated depreciation methods and deduced rates, that have significant impact on taxable base. From the perspective of other taxes that may affect FDI decision such as indirect tax VAT in Albania is a little bit higher relative to neighbor countries, we also do not use the two tail VAT system that in other countries is applied.

The main findings of empirical work are that statutory corporate tax rate has negative impact in FDI inflow, consistent with economic theory. Market size measured by GDP per capita has positive and highly significant impact on FDI, which states that the purpose of FDI has also been serving local market. The EBRD index on infrastructure and openness of domestic market foreign trade has both positive impacts in attracting foreign investment.

The average nominal wage has negative impact on FDI flows. This is in accordance with economic theory which suggests that the type of FDI made in transition economies are directed by cheap labor costs that exist in these countries.

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## Papers \*

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\* Learning and teaching awards for 2009/2010 academic year.



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# Teaching in Small Groups Motivates Learning

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## Abstract

The aim of this research is to see students' achievements in their first year at the faculty of BA at SEEU in mathematics depending on the teaching methodology, their previous knowledge, the type of secondary school they attended as well as the success they had achieved in secondary school in mathematics. The link between students' success in mathematics and the teaching methodology has also been identified. This was carried out by comparing results when applying the traditional way of teaching as well as group methodology. We came to the conclusion that the most successful approach was small group work, since by utilizing this approach the students' success improved considerably along with their attendance to classes, interactivity and homework completion. There was also a questionnaire that was given to both those learning in the traditional way and those in small groups and we came to the conclusion that the latter was the preferred approach by groups. By using logistic regression, we have come to understand more clearly the impact of small groups on the results in mathematics and then those results were used to identify the relationship between teaching practices in class and the success/failure in mathematics. Small group work proved to be the most effective tool for improving the success of students.

**Key words:** group, group work, traditional teaching.

## Abstrakt

Qëllimi i këtij hulumtimi kanë qenë të arriturat e studentëve të vitit të parë të fakultetit të Adminstrim Biznesit pran UEJL-it në lëndën e matematikës në mvarshmëri prej mënyrës së mësimdhënies, paranjohurive të tyre, në mvarshmëri prej llojit të shkollës së mesme që ata e kanë kryer, në mvarshmëri prej suksesit të treguar në lëndën e matematikës në shkollë të mesme. Gjithashtu është arritur në përfundim se çfarë mvarshmërie ekziston ndërmjet suksesit të arritur të studentëve në lëndën e matematikës dhe formës së mësimdhënies dhe atë duke krahasuar suksesin e tyre në lëndën e matematikës kur është punuar në formën tradicionale dhe në formën në grupe. Pas këtij hulumtimi kemi ardhur në përfundim se forma më e suksesshme është forma në grupe të vogla, sepse duke përdorur këtë formë në mësimdhënie suksesi i studentëve është rritur dukshëm, prezenca në orët e ushtrimeve është rritur gjithashtu, interaktiviteti ndërmjet studentëve është rritur, puna edhe jashtë orëve të mësimit është rritur. Me anë të pyetësorit që e kemi aplikuar te studentët me të cilët është përdorur forma në grupe të vogla, por edhe te studentët me të cilët është përdorur forma tradicionale kemi ardhur në përfundim se forma më e preferuar për punë nga ana e studentëve është forma në grupe të vogla. Gjithashtu në këtë punim, duke përdorur regresin logjistik është dhënë një kuptim më i mirë mbi ndikimin e punës së grupeve të vogla në suksesin e lëndës së matematikës dhe me rezultatet e fituara janë identifikuar marrëdhëniet ndërmjet praktikave të mësimdhënies në klasë dhe të suksesit/mossuksesit në lëndën e matematikës. Ato tregojnë se rol të rëndësishëm për rritjen e suksesit të studentëve luan forma e punës në grupe të vogla.

**Fjalët kyçe:** grupi, mësimdhënia në formën në grupe, mësimdhënia në formën tradicionale.

## Апстракт

Целта на ова истражување е постигнувањата на студентите од прва година на Факултетот за БА на ЈИЕУ во областа на математиката и тоа во зависност од применетата методологија при предавањата на часовите по математика, во зависност од предзнаењата на студентите, видот на завршено средно училиште, успехот што го постигнале студентите во средното училиште како и успехот по математика во текот на средното училиште. Истотака е дојдено до заклучок дека каква зависност постои меѓу успехот на студентите по математика и применетата методологија во часовите и тоа преку споредување на резултатите при примена на традиционалната форма на предавања и предавања во мали групи. Дојдовме до заклучок дека најуспешниот пристап беше работата во мали групи, бидејќи со користење на овој пристап кај студентите успехот се подобри значително, истотака студентите го зголемија своето присуство на часови, интерактивноста и изработувањата на домашните задачи се зголемија, и тоа и надвор од часовите. Исто така сме заклучиле дека студентите претпочитаат да не се применува традиционалната форма туку предавања (вежби) во мали групи. Ова е заклучено со спроведување на прашалник кај студентите со кои е работено во мали групи и традиционално.

Со користење на логистичка регресија е дадено појасно влијанието на работата во мали групи на успехот по предметот математика, а потоа со добиените резултати се идентификува односот помеѓу наставните практики и успехот / неуспехот по предметот математика. Sprema ова работата во мали групи игра важна улога во подобрувањето на успехот на студентите.

**Клучни зборови:** група, групна работа, традиционална настава.

## Introduction

In math classes at the BA Faculty, we deal with different kinds of students: those that come from different places, from different schools, with different grades and scores in mathematics, students that took math as part of their state Matura as well as those who did not. Some of our students already have good knowledge on the subject which is taught in their first year of studies, and some know nothing. This is probably one of the factors that make mathematics at our Faculty the least successful subject. This made us search for any of the factors that influence the final success of this subject at the BA Faculty. The teaching methodology and the approach were crucial in this process. Therefore, we tried to apply two approaches: with one half of students we used the traditional approach (frontal teaching) and with the other we used small group work.

## Content

Learning math is most often done individually, with only paper and pen. This learning process is slow and boring and creates anxiety among the students as regards to math as a subject. It is often said that only talented people can do math, but their number is very small. Based on human nature which has a need for security, support and help, we decided to try and teach math (with one group of students) by placing them in small groups.

What is a group and how is it defined? There are many definitions as far as the term group is concerned. Their study began in the 19th century by some psychologists. Some of the definitions can be found in N. Rot (1983) who explains that according to Homans, a group is a certain number of people who communicate among themselves for a given time frame. The number is small enough to enable every member of that group to communicate with another one without the mediation of a third party. N. Rot also offers the definition of Sherif & Sherif who define the group as a unit of society comprised of a certain number of people that have certain relationships among themselves about things that are important for the group itself. Again, according to N. Rot, group definitions are not all-embracing, since they do not point out what type of group they are talking about. In our case, by saying a group, we mean a number of 5-6 students that have been artificially structured, i.e. based on preset terms and conditions in order to achieve our aim of investigating the most effective teaching approach

(traditional or small group work). These groups lasted during the period of research. Our groups were named as small ones because of the small number of students they included (5-6 students).

The characteristics of small groups, according to N. Rot (1983), are:

- The small number of participants enables contact among all group members;
- The possibility of “face in face” contact;
- There is interactivity among all the members in order to achieve a certain goal;
- Dependence and mutual impact which enables the successful accomplishment of the duties of the group.

In order to achieve the aim of creating the group itself, an optimal number of participants should be determined. Studies about groups tell us that the greater the group interactivity, the bigger its efficiency. Some studies carried out about group interactivity show that the optimal number of group participants should be 5, since a group smaller than this is actually too small, whereas more than 5 would be bigger than required. If the group is bigger, than the aim of creating it makes no sense. Studies by Bales and Borgatta (1955) show the correlation between a group’s interactivity and the number of participants in that group. According to this study, groups of 3, 4 and 5 have good to reasonable levels of group interactivity. Over this number, the minimum of discussion time per member drops to 2%. Based on this study, and having in mind our large class size and the need for the teacher to be able to support all the groups, we selected 5 as a good group size.

With the other half of students, we applied the traditional form of teaching which means teacher-led classes. This method has some defining characteristics. The power and responsibilities belong to the teacher and he plays the role of the instructor as well. He makes decisions in terms of the content, curriculum and specific results. Students are seen as having “knowledge gaps” which have to be filled with information. In short, according to the traditional approach, the teacher is the one who makes teaching happen (Novak, 1998). In traditional teaching, the student is only a passive partaker who does not communicate with his classmate. In the teacher led classroom, the aim of the teacher is to give students as much information as possible; he does not communicate so much with them, he does not motivate them to actively participate in class, he does not ask much for students’ opinions and the whole class may go in the form of a monologue.

## Research Methodology

This research was carried out with first-year students (a total of 182 students during the 2009/2010 academic year) at the BA Faculty at SEEU, who attend math classes in their second semester. After the first meeting with students, during the first two weeks of introductory classes, they were canvassed in order to get information about their personal data, secondary school background, overall success in their secondary school, state Matura results, whether they had taken math in their state Matura or not, how many years they had studied math in their secondary school, how often they had math classes, etc. They also took a test about what they had learnt in secondary school, which would help them in taking math classes at university. The students were told their scores and then we set about creating the groups. While doing so, we were careful to have almost the same grade point average in every group. This means that every group had students with maximum and minimum points from the test.

The small group work was applied to 104 students, whereas the traditional form to 64. The evaluation process was carried out through tests, quizzes, homework, periodic exam, attendance in class and final exam.

Another tool that was used in our research was the questionnaire given to our students in order to get feedback about the teaching process, their preferred ways of teaching and learning, etc.

After the final exam and final evaluation, we did another on-line questionnaire with students where they were asked to evaluate the whole process – the course, the teachers, the teaching methods. They were also asked to give their suggestions.

## Data Processing

Descriptive statistics

**Table 1. Fundamental descriptive characteristics of respondents**

Category	Absolute Frequencies	Percentage Frequencies
Female	62	36.9
Male	120	63.1
Albanian ethnicity	149	88.69
Macedonian ethnicity	18	10.71
Roma ethnicity	1	0.6
Students from Macedonia	117	69.64
From secondary “gymnasium”	97	57.74
With state Matura exam	160	95.81
With Matura including Maths	75	44.64
Enrolled but not attending	14	7.69
Total	182	100

The above chart includes data collected from the first questionnaire. These show that in the BA Faculty, there are 117 local students from Macedonia or 69.64% of the total number of enrolled students. 61.54% of students come from Tetovo, the University town, and 17.09% from Gostivar, a nearby town. 46.48% of students registered in the municipality of Tetovo have finished gymnasium and 36.62% come from the economic secondary school. The number of students from other municipalities is small. From the chart, we can see that the total number of students that took state Matura is 160 (out of 182), of which 75 took Maths. Students from Macedonia with the state Matura including Maths are represented with 20.51%. The majority of students, 149 or 88.69% studied in the Albanian language and 19 or 11.31% in Macedonian.

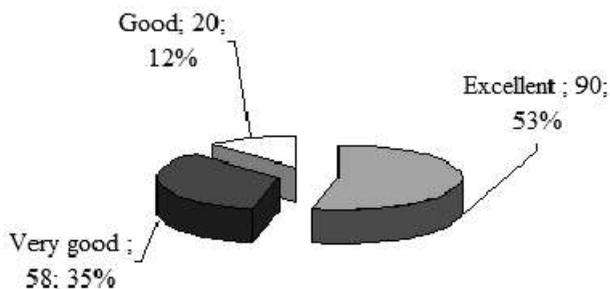
**Table 2. Number of students according to their country of origin**

	<b>Absolute Frequencies</b>	<b>Percentage Frequencies</b>
Macedonia	117,00	64,29
Kosovo	46,00	25,27
Serbia	5,00	2,75
No record	14,00	7,69
<b>Total</b>	<b>182</b>	<b>100</b>

Apart from local students, foreign students also study at the BA Faculty at SEEU. The number of those coming from Kosovo is 46 or 25.27%. 19.5% of these students come from Prishtina, Ferizaj and Gjilan. Five students come from the Preshevo Valley in Serbia.

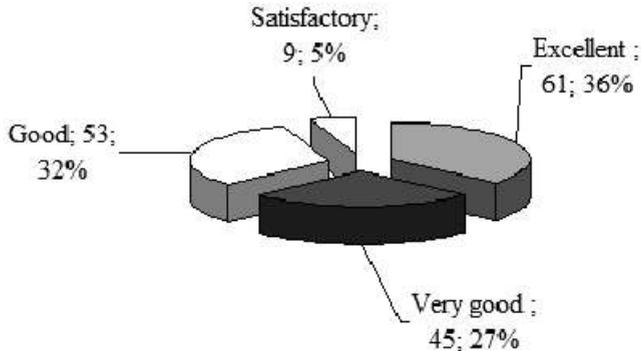
The following graph shows the students' success in secondary schools. According to that, 90.53% of students finished their secondary schools with excellent marks.

**Graph 1: Secondary school success**



**Graph no.2** shows the students' success in mathematics. We can see that 61.36% of students had an excellent grade whereas only 9.5% had satisfactory.

**Graph 2: Scores in mathematics in secondary school**



As mentioned above, the students took a test in order to show their previous knowledge in mathematics from secondary school, as this would be helpful in organizing the math classes at the BA Faculty afterwards. The test showed very poor results. Namely, the average out of 100 points was only 10.16. This might be due to fact that the test was unannounced in advance and that the students are not prepared to implement their knowledge in different real life settings. Based on this test, we divided up the students into small groups (104 students), whereas with the rest the traditional teaching approach was applied.

The evaluation was realized on a continuous basis, based on the following report.

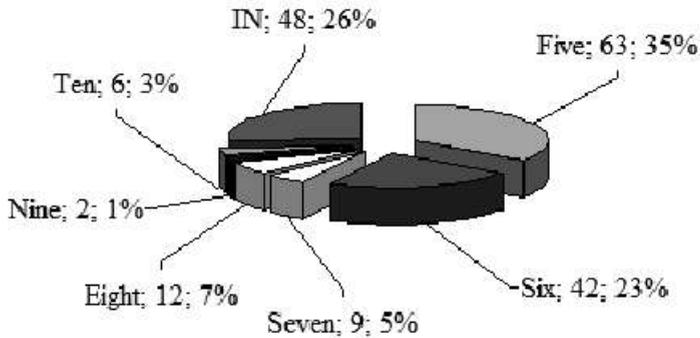
**Table 3: Students' evaluation data**

	Homework (10)		Quizzes (10)		Attendance (10)		First period exam (30)		Second period exam (40)		Total (100)
	Not completed %	Average Result	Not completed %	Average Result	No Records %	Average Result	Not completed %	Average Result	Not completed %	Average Result	
<b>Small groups</b>	15.38	7.32	6.73	4.61	57.14	7.91	4.81	18.06	24.32	12.75	50.65
<b>Traditional form</b>	34.38	6.58	15.63	3.26	42.86	6.89	10.94	11.85	29.58	7.97	36.55

We can see from the chart that the students that were taught in small groups have an average of 50.65 points out of 100, whereas those that were exposed to traditional teaching earned 36.55 points – the difference is 14.1 points. They performed better in attendance, homework and assessment.

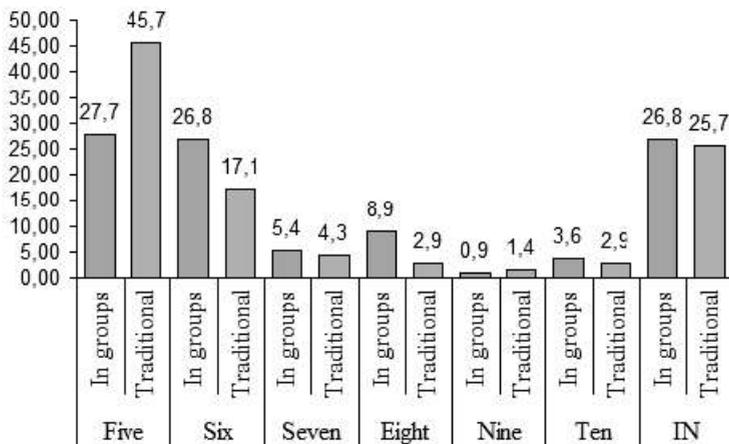
The students' success for this year is shown in Graph 3 below. After the final evaluation, we came to see that 48 or 26.37% of students did not take the final exam, whereas 51.82% of those that took the final exam showed positive results with pass grades 6 – 10. The data from last year (traditional form of teaching) showed that the number of students that did not take the final exam was 30.27% and 37.36% of those that took the final exam were successful. It can be clearly seen that the students' success using small groups has improved by 14.46% this year.

**Graph 3: Overall students' success**



**Graph 4** shows the comparison of the evaluation scale of students that were taught in groups and those that attended traditional classes. These data shows that the first type of students were more successful.

**Graph 4: Overall success based on the form of instruction**

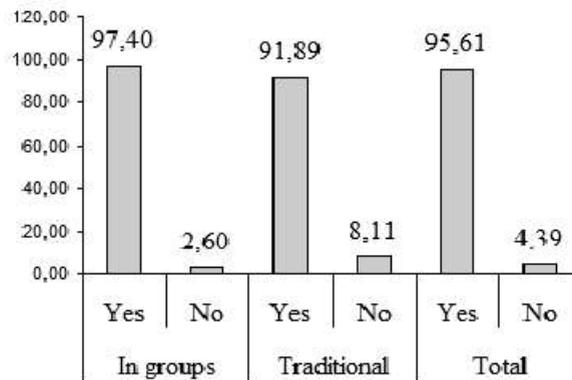


## Student Survey Results Related to the Process of Teaching/Learning

Based on the first question in the survey, we have come to conclusion that all students think that learning success depends on the teaching methodology.

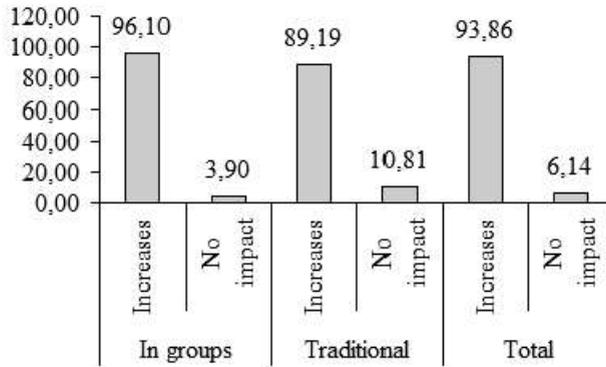
It shows that students think that they should be actively involved in the teaching process. This idea is backed up by 97.4% of those that worked in small groups and 91.89% of those that attended traditional classes. This can also be seen in **Graph 5**.

**Graph 5:**



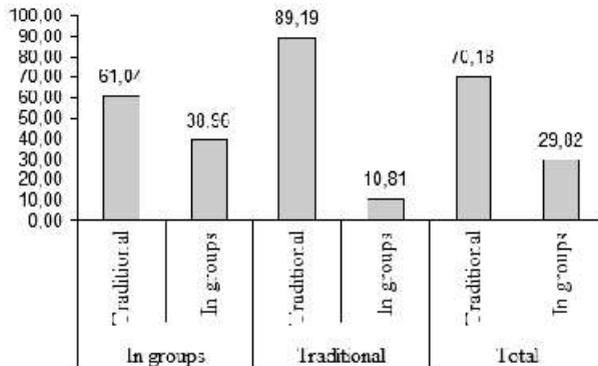
96.10% of students that were taught in groups think that their participation in the teaching/learning process improves the learning outcomes. The same idea is shared by 93.86% of the students with which the traditional approach was used. Graph 6 below shows the results.

**Graph 6:**



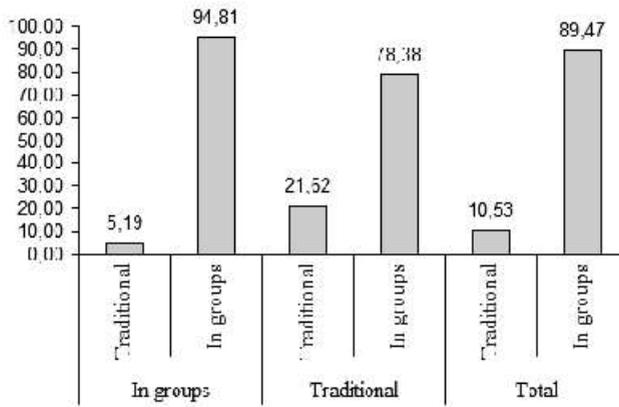
Based on the students’ opinions, we can conclude that the traditional teaching approach is dominant in the BA Faculty. This data, according to the number of students that share this opinion, is given in the following chart.

**Graph 7:**



This study brings us to the idea the small group work is a lot more successful and this view is shared by a total of 89.47% of students. Results are shown in Graph 8.

**Graph 8:**



## Statistical Analysis

In order to illustrate the interpretation of data, the drawing of conclusions and statistical decision-making, we will use logistic regression in order to build up a mathematical model which considers the success/failure of math as a function of a measured variable. Success has been taken as a reacting variable (success = 1, failure = 0), whereas as a measured variable group work has been taken (traditional = 1, in groups = 2). By applying the results from the final scores in the MedCalc program, we get Tables 4 and 5, for the reacting variable  $Y_i$  and the predicting variable  $X_i$ . We have constructed two models of logistic regression: the first one expresses the impact of group work against the success/failure in mathematics for all students. The second regression includes students that did not take the final exam (IN), where they were treated as failing grades, since we think that the majority of them did not take the final exam because they managed to earn very few points apart from the final exam which in itself was only 40% of the final grade.

**Table 4: Logistic regression Model 1**

Dependent Y	pass=1; fail=0
Method	Enter

Sample size	137
Cases with Y=0	66 (48,18%)
Cases with Y=1	71 (51,82%)

### Coefficients and Standard Errors

Variable	Coefficient	Std. Error	P
no_grup_1__grup_2	0,8755	0,3609	0,01528
Constant	-1,3455		

### Odds Ratios and 95% Confidence Intervals

Variable	Odds Ratio	95% CI
no_grup_1__grup_2	2,4000	1,1830 to 4,8690

By using the data from **Table 4**, we get:

$$\log it(p) = \ln \frac{p}{1-p} = -1.3455 + 0.8755 x_i$$

The ration  $\frac{p}{1-p}$  gives a chance (odds ratios) to  $Y_i$  to get the value of 1 against 0, when  $X_i$  increases for a unit. It shows the expectation of chances of success depending on the values of the variable  $X$ .

In our case, the increase by a unit of the variable  $X$  means that if we pass from the traditional form to the one in small groups, the chance ratio of this variable is  $X_1 = 2.4 > 1$ . This means that a student who attended practical sessions (exercises) in small groups has 2.4 times more chance to pass the course than the one that was in the traditional class (**Table 4**).

In the second regression, which included the Incomplete (IN) students (as failing grades), the chance ratio of this variable is  $X_1 = 2.1 > 1$ . This means that a student who attended practical sessions (exercises) in small groups has 2.1 times more chance to pass the course than the one that was in the traditional class (**Table 5**).

**Table 5: Logistic regression Model 2**

Dependent Y	pass=1; fail=0
Method	Enter
Sample size	182
Cases with Y=0	111 (60,99%)
Cases with Y=1	71 (39,01%)

**Coefficients and Standard Errors**

Variable	Coefficient	Std. Error	P
no_grup_1__grup_2	0,7372	0,3256	0,02355
Constant	-1,6535		

**Odds Ratios and 95% Confidence Intervals**

Variable	Odds Ratio	95% CI
no_grup_1__grup_2	2,0902	1,1042 to 3,9566

## Conclusion

Based on this research, we have concluded that:

- By working in small groups, classes become more student-centered;
- By working in small groups, the interactivity among the students is greater;
- Team work is promoted by working in small groups;
- Students develop their critical thinking skills by working in small groups;
- Students' ability to communicate and express concepts is developed by working in small groups;
- Learning outcomes are better when working in small groups;
- The students' attendance to practical sessions improves when working in small groups;
- Group work motivates students to do more exercises and homework;
- Students prefer more to work in small groups.
- The students were more committed and had better results

## Proposal

- Teaching, lectures and exercises should be performed in such a way that ensures small group work;
- Classes should be student-centered;
- Students should also be involved in teaching;
- Small group work should be applicable in any subject;
- Students should also take a placement test in mathematics prior to enrolling in the subject, the same as with English language and the results used to allocate levels for Maths and teaching methodology;
- We recommend greater cooperation with the gymnasium and the economic secondary schools because most of the students in this Faculty come from these two secondary schools.

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# Towards Excellence in Education: The Efforts of the Language Center

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## Abstract

This study and the teaching award project prepared by Language Center staff was designed as a group project in which most of the staff members participated with direct involvement in the project or help with conducting the research. The project was a combination of theoretical research, practical work which focused on professional development and a series of workshops, as well as a newsletter which was prepared by members of the Language Center staff and University teachers who teach content subjects. This article focuses on the theoretical framework which supports the practical implementation of the project. It discusses both language and academic skills as essential elements of English language course design at the Language Center (LC) and the specific needs of the teachers and students in terms of teaching and learning. The literature review is supported by research which provides analysis of the learning on students' behalf with emphasis on academic skills which are necessary for tertiary education, such as critical reading and thinking, stating arguments, debating and academic writing. The purpose of the study was to comparatively analyze students' past and present experiences in ESL learning. For this purpose, the questionnaire was designed to explore the different methods and approaches that the students are exposed to in the process of ESL-learning in their high school and LC. At the same time, this study seeks to emphasize the

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importance of how do the same methods and approaches in language learning used by the LC improve students' academic outcomes.

## **Abstrakt**

Ky studim është i pregatitur nga stafi i Qendrës së Gjuhëve dhe është i dizajnuar si një projekt grupor për çmimin për mësimdhënie, ku shumica e anëtarëve të stafit kontribuan me pjesëmarrje të drejtpërdrejtë apo ndihmuan në kryerjen e hulumtimit. Projekti është një kombinim i hulumtimit teorik, punës praktike e cila u përqëndrua në zhvillimin profesional dhe në një seri seminaresh, gjithashtu dhe një buletin i pregatitur nga profesorë të Qendrës së Gjuhëve dhe fakulteteve tjera. Studimi përqëndrohet në kornizat teorike që mbështesin zbatimin praktik të projektit. Aftësitë gjuhësore dhe akademike theksohen si elemente thelbësore për dizajnimin e kursit të gjuhës angleze në Qendrën e Gjuhëve si dhe nevojat specifike të mësimdhënësit dhe të studentit në drejtim të mësimdhënies dhe të nxënit. Analiza e procesit të të mësuarit të studentëve është përfshirë në përmbledhjen e letërsisë me një theks të veçantë në aftësitë akademike të tyre që janë të domosdoshme për arsimin e lartë, siç janë: leximi kritik, të menduarit kritik, argumentimi i ideve, debatimi dhe shkrimi akademik. Qëllimi i studimit është të analizoj dhe krahasoj përvojat e studentëve gjatë të mësuarit e gjuhës Angleze si gjuhë e huaj në të kaluarën dhe sot. Për këtë qëllim, është krijuar pyetësori për të shqyrtuar metodat e ndryshme dhe qasjet me të cilat studentët ballafaqohen gjatë procesit të të mësuarit e gjuhës në shkollën e mesme dhe në Qendrën e Gjuhëve. Përfundimisht, ky studim thekson rëndësinë që kanë këto metoda dhe qasje në mësimin e gjuhës Angleze në Qendrën e Gjuhëve me qëllim që të përmirësohen aftësitë akademike të studentëve.

## Апстракт

Оваа студија и проектот за настава и учење кој што беше подготвен од наставниот кадар од Јазичниот Центар, беше дизајниран како заеднички проект во кој што поголемиот дел од наставниот кадар учествуваше непосредно или посредно со учествување во практичното истражување. Проектот беше комбинација на теоретско истражување, практична работа фокусирана на професионалниот развој на предавачите и билтен подготвен од страна на предавачите од Јазичниот Центар како и универзитетските предавачи од други области. Оваа статија се фокусира на теоретската рамка која ја дефинира практичната примена на проектот. Ги анализира јазичните и академските вештини како важен елемент на курсевите по англиски јазик во Јазичниот Центар и специфичните потреби на предавачите и студентите во рамките на наставата и учењето. Прегледот на литературата е поддржан со практично истражување кое што го анализира учењето со нагласок на академските вештини важни за терцијарното образование како што се критичко читање и размислување, аргументирање и дебатирање и академско пишување. Целта на студијата беше да направи компаративна анализа на минатите и сегашните искуства на студентите во поглед на учење на англискиот јазик. За оваа намена беше направен прашалник кој ги истражуваше различните методи и пристапи на изучување на англискиот јазик во средните училишта во споредба со Јазичниот Центар. Истовремено, студијата ја истакнува важноста на овие пристапи и методи во подобрувањето на академските вештини на студентите.

## **Introduction**

### **Students' Background, Language Center Course Design and Skills**

Although a lot of changes and revisions of the educational curricula took place in the last decade, the Macedonian educational system can be still described as traditional. Most of the students who are enrolled at SEE University are coming from traditional high school, which curricula include a large number of courses, 11-12 per academic year on average. As a result most of the students are overwhelmed with the schedule overloaded with constantly increasing number of school hours per week and lots of assignments given as homework. On the other hand the practical aspects of learning are not emphasized enough. For instance, most of the schools are not equipped properly in terms of computer technology or laboratories, which reduce the resources available to the students on textbooks and moderately equipped libraries at best. As a result, learning is purely theoretical. Other factors influence this educational system as well. For instance, the class size is usually 30-35 students per class, the working conditions are often inappropriate (small classrooms, not enough space) and teachers are not sufficiently paid. These factors often create traditional environment, which results in overemphasizing the teachers' role and reduces students' input and their interaction with the teacher. University settings often reflect the above described high school environment in some aspects. The courses are heavily based on theoretical studies and lectures.

As far as language courses are concerned, they are included in the primary and secondary schools curricula. The majority of the students are taking foreign language courses from the fifth grade, which means from the age of 10-11 which was only recently changed to introducing language courses earlier. At the moment, LC is servicing 1610 students in the full time program (English, Albanian, Macedonian, Italian) plus 135 PTS students, which is 1745 totally (Tetovo campus). In addition, 413 regular students study in Skopje as regular students and 100 as part time students. The total number of students who attend the courses provided by the language center is 2258.

The challenges that the Language Center staff encounters, both as an independent functioning unit and in relation with the Faculties are numerous. In terms of concept and function within the university education in Macedonia, where traditional academic setting was predominant, a language

center was new and in some aspects a vague concept. It was created as a response to the strong language requirement stated in the SEE University faculties' curricula. As a result, it provides service to the almost entire students' population studying at SEEU.

The courses offered by the Language center can be initially divided into two groups: BSE (Basic Skills English) and ESP (English for Specific Purposes). The first group is designed to introduce or improve the general language skills. It is subdivided into 3 different levels according to the students' proficiency (elementary, lower intermediate, and intermediate in 2 consecutive semesters). The students are initially placed into the appropriate level by administering an official placement test (pre-TOEFL) or a placement test created for this purpose. BSE courses focuses on developing students language skills, emphasizing the importance of reading and writing with particular assignments designed in order to improve these skills and incorporate them into the grading criteria. Academic and Advanced Academic English groups are considered as a part of the Basic English Skills program. These courses focus on developing language as well as academic skills which are applicable in content subjects learning and teaching such as: paragraph writing, essay writing, critical reading, debate techniques and persuasive speaking, character analysis in literary works and critical thinking, which are developed through various materials, assignments and assessed continuously.

English for Specific Purposes courses are designed in order to help students with their occupational needs in terms of English. The course design was guided by two basic ideas: students need English in order to study, be able to take certain courses and use materials and that they also need to be able to apply their acquired language skills in real life situations. Apart from terminology related to their field of study, the course design combines language skills, job hunting skills, as well as academic skills, which are focused on projects and skills considered to be important in the future.

This traditional academic setting implied that English is included in the faculties' curricula as one or two courses in two consecutive semesters, where identical courses are offered to students regardless of their individual language proficiency, focusing mainly on reading comprehension texts accompanied by vocabulary activities related to the text. The idea of testing the students and placing them into different levels according to their preparedness and offering them courses which are adequate to them in terms of proficiency and the number of hours per week was new. The notion of English as a core course is still not accepted among certain members of the

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academic staff who believe that most of the students will not need English in their careers or every day life situations as well as their future academic careers and content subject learning. The notion of a language course which provides more than language skills only is also new. The traditional view that language courses provide language skills only is still widespread and deeply rooted in both students' and University academic staff views on language teaching and learning. The main belief is that students learn language and language only during language classes and that outside the setting of a language class, the skills learned are useless and not applicable. However, the research done within the framework of this project proves that students perceive English courses otherwise. In fact, the research, as well as the literature review, proves that language courses develop students' language and academic skills, therefore adding to the students' qualities in terms of their academic work as well as their successful completion of content area subjects. The language courses improve their writing ability, ability to develop and deliver successful presentations, to state their arguments clearly and to read and analyze critically.

## **Literature Review**

It is difficult to define and to list academic skills and professional skills involved in one language course. Academic skills often include autonomous learning, critical thinking and critical reading, effective communication (presentations) effective written communications (paragraph writing, essay writing), developing arguments and speaking persuasively (debating), ability to summarize and paraphrase, note taking and a number of other skills. The professional skills include CV writing, successful job interviews Presently language teaching and language learning focuses more on learner-centered methods and increasing learner autonomy and instruction in academic skills promotes language learning autonomy and independent learning, as well as producing successful and accomplished professionals.

## **Presentations in ELT context**

EFL instructors teach presentation techniques to the students of upper levels of English proficiency in order to help them develop the skills needed to deliver successful academic presentations on a given or a chosen topic in terms of using audiovisual aids successfully, strategies of speaking and

involving the audience, presenting the topic clearly, organizing the slides , overcoming the fear of speaking in front of classmates and assessing the peers presentations using given rubrics which involves and evaluates different aspect of delivering a presentation.

King (in Webster, 2002) in his article states that "oral presentations are a face-threatening activity" and "speech anxiety and limited presentation skills are the major problems that lead to learners' oral presentation failures" (King, in Webster 2002). However, oral presentations are a successful way of developing speaking proficiency, organizing thoughts and ideas, presenting a topic to the audience in a successful and organized manner.

Webster (2002) emphasizes the following: "When we use language, we employ particular genre, which are like pre-determined linguistic formulae for achieving an outcome. Therefore, learners need to be equipped with these formulae in order to communicate effectively, in this case in the context of an oral presentation". According to Hammond et al, the teaching-learning cycle consists of four stages in order to present the best techniques of presentation teaching (in Webster, 2002), which comprise the following (1) building knowledge of the field (learners discuss the basic characteristics of oral presentations), (2)modelling of the text (teacher gives model oral presentation to class), learners then analyze staging, (3)joint construction of the text (learners work together on developing their presentations ) and (4) independent construction of the text (learners give their presentation to the class).

The above named steps are used by ELT instructors in the context of Academic English courses and level 4 courses.

### **Critical Thinking and Critical Reading**

We can define critical thinking as an ability to complete certain tasks effectively. Critical thinking is a skill that a person uses to assess the validity of something (statements, news stories, arguments, research, etc. Chance (1986, p 6) in Burrell (2007, p.27) defines critical thinking as the ability to analyze facts, generate and organize ideas, defend opinions, make comparisons, draw inferences, evaluate arguments and solve problems. Ennis (1987 in Burrell, 2007, p.28 ) suggests that "critical thinking is reasonable, reflective thinking that is focused on deciding what to believe or do."

According to Moore and Parker (1986) in Kabilan (2000), critical language learners, should be able to carefully and deliberately determine to accept, reject or suspend judgment about a claim. Language learners who are successful critical thinkers should be able to formulate reasons for their opinions. What is needed to develop these skills in the classroom? Recent research suggests that teachers should create a classroom environment which provides conditions to develop a capacity for informed judgments (Brown, 1984 and Hayes & Alvermann, 1986). Furthermore, Kabilan suggests Freire's problem-posing methodology to develop critical language learners in which problem solving tasks are derived from real life situations. According to Kabilan, the learners should experience five steps of the problem-posing methodology (Nixon-Ponder, 1995): which are following (1) describe the content of discussion, (2) define the problem, (3) personalize the problem, (4) discuss the problem and (5) discuss the alternatives of the problem.

In the context of language learning courses provided by the Language Center, problem solving activities are included in the curriculum, providing effective communication as well as critical thinking.

Critical reading can be defined as an active process of questioning, analyzing and inferring the content read throughout the reading process. Language learners who are involved the above named processes develop critical thinking abilities as well as critical reading. In order to promote active, critical reading, teachers must create an atmosphere which promotes questioning, previewing and predicting, inferring and reaching conclusions while reading a given text. In the context of the LC courses, these skills are developed through pre-reading tasks and activities, such as previewing, predicting, while-reading activities: skimming, scanning, reading for gist and details, inferring from the content and post-reading activities: analyzing, discussing the content, writing.

## **Debate in a Language Classroom**

Although debates are considered to be very challenging, they are also an enjoyable and engaging activities for majority language learners. The advantages of implementing a debate in an EFL context is that they provide speaking practice and develops the skills for stating arguments clearly and skills for persuasive speaking and essay writing. For instance, Davidson (1996) in Krieger (2003) emphasises that with practice, many students show obvious progress in their ability to express and defend ideas in debate they

often quickly recognize the flaws in each other's arguments. Nisbett (2003) in Krieger (2005) points out that: "Debate is an important educational tool for learning analytic thinking skills and for forcing self-conscious reflection on the validity of one's ideas." According to Krieger, a study conducted with Japanese students, Fukuda (2003), found that "before the debates only 30.8% of the students were not afraid of expressing their opinions when they were not the same as others'. After the debate this figure rose to 56.7%." Moreover, Fukuda (2003) in Krieger (2005) also points out that the knowledge or skills which came from the practice in the debates led the students to become more accustomed to expressing opinions.

According to this and other studies, language learners can develop the debating skills successfully and rise to the challenge to state their arguments clearly and in a persuasive way. Debates are included as an assessed task in Academic English courses and are introduced to students by dividing debate roles, introducing to them the rules of debating and practicing persuasive speech. The students are expected to participate in the debate, follow the rules and state their arguments and rebuttals clearly.

## **Writing and Student Academic Skills**

There is a common view by many authors about the importance of writing skill and how it helps students in their academic or working life. All of them represent writing skill as a very useful mean. Kondrat (2009) states that writing is the basis of written communication since paragraphs, essays, CVs cover letters and e-mails often represent the individual. In such cases the person's writing is to form the reader's opinion about the individual's personality and abilities. She says that excellent writing makes you earn respect and poor writing does the opposite. She also claims that writing structures and crystallizes one's thoughts, improving learning in such a way and improves the effectiveness of the person's word usage in both written and oral speech. According to a survey conducted among 64 American companies revealed that half of them pay attention to writing when considering a person for employment or promotion. And according to Roger Howe, a former chairman and CEO of U.S. Precision Lens, the majority of the successful people are clear and persuasive in their writing.

LC English language courses include teaching writing from basic paragraph skills to essay writing. Students follow the integrated writing classes in different levels and at the upper levels they write essays on

different topics. The writing topics are usually related to the material they are taught.

The writing process at the LC started with writing portfolios in 2002 where students had to write some drafts until they develop the final draft. Coleman, C. (2003) points out that resting a day or two between drafts especially the final draft can bring much objectivity to the revising process. The process of portfolios with writing drafts by resting a day or two between the drafts was implemented in LC courses curricula for several semesters. Later this process transformed into in-class writing assignments, where students are given topics related to the material taught and asked to write a paragraph according to specific criteria. The idea behind this was to avoid memorization, make the students use their knowledge that they had learned in class and turn it to a productive skill and involve critical thinking.

Another important writing task was essay writing. According to Enem, J. (2009). essay is a portion of writing that puts ahead a writer's perspective in a straightforward and uncomplicated to go after approach. Essay writing is prejudiced based, non-fictional, narrative or expository in natural world. Essay writers are not only indication or reminiscences of the writer, but can also be classify as intensely read point of view, fictional criticisms, opinionated manifestos, and comments of unusual facets of existence. He also claims that the management and systematic skills of somebody are judged all the way through essay writing. That is why essay writing is one of the most important skills educated to the students. Therefore, essay writing in the LC at SEEU in Tetovo is taught to students who attend Academic and Advanced Academic English classes after they master paragraph writing.

Coleman (2003) points out those students who learn a second language should have a systematic organized format because according to her, second language students first focus on grammatical issues. During the process of writing, students at the LC at SEEU are required to write a paragraph or essay as a production of the learned material during a specific time by focusing on all language skills, not only grammar.

However, is it enough to focus on all language skills? The answer would probably be negative. If you were about to write a paragraph or an essay on a topic and you were told the topic only, you would probably hesitate and not know what is really going on, what you really have to do or what you are really expected to do. As Cimcoz (1999) asserts 'a majority of students dislike writing. When faced with a writing task, most students will react with comments like, "oh no not again" or "this is so boring". A teacher who does not try to see the real message behind these comments could easily become

discouraged. Eventually, both the teacher and the students will 'hate writing'. In order to avoid this and make clear what students are expected to accomplish, a group of Language Center teachers (Bajrami, Hauke, Radosavleviq, Xhemali, and Zeqiri, 2009) developed the Teacher's Handbook for Writing Basics at the LC at SEEU in Tetovo. The handbook started out as a guide to assess student writing with the idea of improving consistency in how teachers mark student writing and let them improve their skills on what they are expected to know. With this way of teaching and assessment, students are introduced to the steps of paragraph writing according to specific methodology and they are asked to follow specific steps as they write their paragraphs. They also have a grading rubric which tells them what they have to focus on and what they really have to consider. The rubrics were designed for each level. They provide effective feedback. During this process students are also introduced with paragraph samples marked as *unsatisfactory*, *satisfactory*, *good* and *outstanding* so that they know what type of a paragraph can get the abovementioned grades. The rubrics are included in the final report under appendix 3.

Williams (2003) emphasizes that written feedback is an essential aspect of any English language writing course. This is especially true now with the predominance of the process approach to writing that requires some kind of second party feedback, usually the instructor, on student drafts. So dependant is current writing instruction on instructor feedback that Kroll (2001) describes it as one of the two components most central to any writing course with the other being the assignments the students are given. The goal of feedback is to teach skills that help students improve their writing proficiency to the point where they are cognizant of what is expected of them as writers and are able to produce it with minimal errors and maximum clarity.

What we do at the LC in order to give feedback to the students is the methodology of giving feedback by written comments and using rubrics as well as conferencing. At the LC at SEEU in Tetovo we use these methods for both paragraph writing and essay writing. Rubrics for essay and paragraph evaluation are included under appendix 2. Conferencing was found to be effective when it is coupled with student-teacher conferencing (Brender 1998, Fregeau 1999). As Brender and Fregeau point out, many students find understanding written feedback problematic. Conferencing allows both students and teachers a chance to trace the causes of the problems arising from student writing and feedback, and to develop strategies for improvement. During these sessions, teachers can ask direct questions to students in order to gain a deeper understanding of student

Elena Spirovska, MSc.; Hajrulla Hajrullai; Luiza Zeqiri, MA.; Serdal Xhemali; Veronika Kareva, MSc.; Artan Limani, MA.

writings. Also, students are able to express their ideas more clearly in writing and to get clarification on any comments that teachers have made. Finally, teachers can use conferencing to assist students with any specific problems related to their writing. The teacher may later compare the paragraphs and check the improvement of every individual.

There is another writing assessment which teachers choose, according to Currier (2005), is the holistic evaluation. Although several forms of writing assessment are readily available, many teachers choose holistic evaluation because of its effectiveness in establishing overall writing ability. *Holistic evaluation* involves reading a paper quickly in order to gain a broad impression of a writer's skill. In contrast, *analytic scoring* involves an itemized analysis and is commonly used to identify weaknesses in a student's writing.

## **Research Methodology**

For the purpose of this study around 200 students attending English for Specific Purposes courses from the Faculties of Computer Sciences, Communication Sciences, and Legal Studies took this questionnaire. They are second year students who already completed Basic Skills English courses (levels 3 and 4, which correspond to intermediate level of English proficiency). Students attending Academic English and Advanced Academic English courses, who are first year students who were tested at advanced level of proficiency at the placement test, also filled out the questionnaire and belong to the sample described above. Most of the above mentioned groups are consisted of students who are between 19-22 years old, both male and female. In terms of ethnicity and native language, the groups are a mixture of Albanians, Macedonians, Turkish, Roma and students from other backgrounds. The questionnaire contained fifteen questions and students had to take the questionnaire online in the LARC (Language Acquisition Resource Center). The questions were designed in Likert scale method therefore answers varied from strongly agree to strongly disagree.

## Findings

The questionnaire was divided in two parts and was purposely designed to measure the hypothesis of lack of students' academic outcomes prior to coming to SEE-University (after the completion of high school) and how does the Language Center contribute to enhancing student academic outcomes once they have taken English classes at the Language Center.

The following set of questions concerns students' academic skills in their previous education (primary and secondary). To question number one "In primary and high school I was not taught how to write a well organized paragraph" 41% of answered with strongly agree and agree, 22% were neutral and 37% disagreed with the same.

To the question "In primary and high school I was not taught how to write an essay" 32% agreed with the statement, 23% were neutral and 45% were against. Question number three, "In primary and high I was not taught how to prepare and deliver a presentation" 40% agreed, 25% were neutral and 36% were against. And, to the following statement "In primary and secondary education I was never introduced to debate for the purpose of language learning" 53% agreed, 21% neutral and 26% disagreed.

The second part of the questionnaire focuses on the students' perception on academic skills they receive at the Language Center as soon as they undertake and successfully complete their courses in English Language. To the question "I learned the rules of debate and how to debate in my English classes at SEE-University" 73% of the students agreed, 13% were neutral and 14% disagreed with the same. We see a similar trend in the following question "In my English classes at SEE-University I successfully learned how to write a well organized paragraph" 77% of the students agreed, 11% were neutral and 12% disagreed.

In addition, the question regarding students' skills in essay writing "I learned how to write an essay in my English classes at SEE-University" 65% agreed, 17% were neutral and 18% disagreed. The next question "In my English classes at SEE-University I prepared and delivered a presentation" 85% agreed, 4% were neutral and 11% disagreed.

For question number nine "In high school I never had a chance to read a book or a short story in my English classes" 36% agreed, 16% were neutral and 48% disagreed with the same. In order to compare and see whether students' experience has improved since they took the English class at the

Elena Spirovska, MSc.; Hajrulla Hajrullai; Luiza Zeqiri, MA.; Serdal Xhemali; Veronika Kareva, MSc.; Artan Limani, MA.

Language Center, the students were asked the following question. “In my English classes at SEE-University, I had a chance to read a book or a short story for at least once” 73% agreed, 13% were neutral and 14% disagreed.

In terms of improving teacher-student communication and interaction, motivation and discussion as well as for the purpose of creating more academic environment, which is considered to be of a crucial importance in the process of language learning and acquisition, the students were asked the following questions. “My English teachers at SEE-University are generally more approachable than all my previous English language teachers” 66% agreed, 19% were neutral and 13% disagreed. In addition, to the question “My English language classes at SEEU are more interactive (feel free to express opinions, discuss and learn) than in my previous education” 76% agreed, 12% were neutral and 12% were against.

And in order to compare the English classes to other courses the students take in the campus they were asked the following question. “I feel encouraged and motivated by the English teacher at SEEU to express my opinion and participate in discussion more than in other courses” 81% agreed, 11% were neutral and 9% disagreed.

Since the learning environment is a must for healthy cognitive processes the students were asked the following. “ My English classes at SEEU generally have more positive atmosphere than all my previous English classes” 71% agreed, 12% were neutral and 17% disagreed. Following the same line of interactive innovative and technologically advanced language learning environment, the students were asked the following question. “English teachers at SEEU use audiovisual materials more than my previous English teachers” 68% agreed, 15% were neutral and 17% disagreed.

## **Conclusion and Recommendations**

The Language Center will continue to serve as a unit that promotes good teaching practices. In addition, it is capable of offering more courses in English as elective ones, for instance: Presentation Skills, Interpersonal Communication, Public Speaking, Academic Writing, Academic Reading, Introduction into Educational Research, Critical Reading and Critical Thinking, etc.) LC can offer methodology courses for the other Departments at the university because their teachers do not have formal methodological training (Questioning Techniques, Group Work, Classroom Assessment Techniques, Assessment and Evaluation, Motivation, Classroom

Management etc.) LC can organize, manage and run students' orientation week at the beginning of the academic year and during this week students can be acquainted with the requirements of studying at SEEU and what is expected from them in terms of attendance, active participation in class, syllabi, projects, presentations, case studies, plagiarism etc. all the above mentioned activities can be organized in any of the three languages in official use at SEEU as required by staff or students.

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## **Book Reviews**

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**Blerim Reka**

***Geopolitics and Techniques of EU  
Enlargement (Aspect, Brussels 2010)***

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**By Prof. Dr. Ksenofon Krisafi\***

Promotion of the book *Geopolitics and Techniques of EU Enlargement*, by the author Blerim Reka, is an event for the European University of Tirana. On our premises, we organize such ceremonies, one, two or even three times a week.

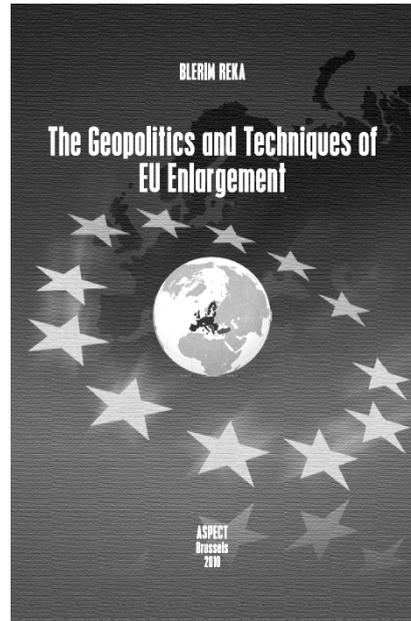
Therefore, from the academic environments of EUT, we have brought the reader major works, most specifically the complete work of our great writer Ismail Kadare. So we continue with our promotion ceremonies.

Today we promote the work of an Albanian author who lives and works outside the official Albanian state borders, Blerim Reka.

Blerim Reka is an Albanian; an intellectual, passionate scholar full of energy; a diplomat and educator; a successful creator; and the author of 16 serious and important publications. That's why I say that today we have an event, because before us there is a prominent Albanian intellectual from across the border.

This ceremony is an event for me personally. During these nearly 5 years in EUT I have had the occasion to have been present at many such ceremonies, and even to make the presentations of the promoted works and their authors.

\* Dr. Ksenofan Kristafi, is the Professor of International Law, the right of international organizations and institutions, the right to diplomatic and consular missions, the right of the Sea and Space, and this recension was given in the promotion of the book at the European University Tirana,  
Tirana, December 16, 2010



But this time I have the honor and the pleasure to present to you my colleague, who like me and others such as Prof. Fatos Tarifa, Prof. Tony Gjuraj, Prof. Bob Zaganjori, Prof. Arben Cici, Prof. Eduard Sulo, from our University has been a teacher, an author of books as well as an ambassador.

Therefore the pleasure that I feel is great and manifold.

The book was published in 2010 and the bibliography and works refer to, belong to the recent years. So - it is contemporary.

It is a groundbreaking book in content and form as well.

Among the several thousand publications devoted to this subject, it is certain that this book occupies a place of unquestioned honor.

It grasps and treats with a comprehensive and quite modern approach the whole complex problematic that EU poses nowadays as well as its integration and development process.

It seems as though the author does not leave any blank space, has penetrated almost every alcove of issues that requires treatment and has evolved them with outstanding professional competence. He has done this not only on a bibliographic and archival basis, but also a practical one which is very diverse, with a versatile and pleasant style, and with a very rich and refined language which is almost artistic. He has given us a work, I repeat, a genuine scientific work. One that is very useful, and that I would say is needed by academia, for students, diplomats and ordinary readers.

As I said this work addresses a broad spectrum of issues, all of them of a current, scientific, and practical interest. But as scholars in the field, our attention remains particularly on some of the most controversial issues and the sharpest: the subject of current debate in many areas of science.

It's very difficult to stop and analyze or to emphasize one by one all the matters that he has taken as subjects of his book, because they are numerous.

It is sufficient to mention only some of them in order to judge where and how his attention is focused and distributed. For example, in the second part of the book *EU Enlargement as Geopolitics*, he stops at both transformation directions of EU enlargement and communitarism of sovereignty and vice versa, the selective fall of the Berlin Wall.

The third part, *EU Enlargement Policy* deals with elegant issues such as the transformation of a sovereign state into a member state, post-sovereign dilemmas, the illusion of the European super-state, the delayed Westphalia and Versailles in the Balkans and the humanizing of international law. It also deals with why enlarge EU and not reunify Europe, the EU enlargement policy in the Western Balkans: promise or reality, the delayed age-long reform of the Balkans, the clash of history with geography in the Balkans, and others.

In the fourth part, *Membership Techniques* he handles sensitive issues such as pre-candidating the EU, European partnerships, visa regimes, running for membership, pre-membership, the dynamics of membership negotiations, etc.

For your pleasure I will ask for your understanding and patience to read for you a page, simply a page which, although the author may not have intended, in my view, gives the whole concept and major theme of his book.

On page 149 he says:

“Europe is our fate, not just our choice. The membership of a country in the European Union, it is not an act but rather a process. It is the process of transformation of the sovereign state into member states. This transformation it is not a technical process, but first of all a geopolitical one, which means that besides standards it is also led by policies and that, besides the community principles, it is influenced by national interests and geostrategic considerations. If the sovereign state was created in the XVII century, the national one in XVIII-XIX centuries, the second half of the twentieth century created the member state, as equal to the sovereign state. Whereas in the first decade of XXI century, the dilemma: a sovereign or member state actualized more and more.

In the 60<sup>th</sup> anniversary of implementing Shuman's European supranational vision, the member state is progressively pushing into history the sovereign state. But the model of the Westphalian sovereignty Westphalian hasn't declined yet. Three centuries after the inauguration of the modern state concept, post-modern model-which was emerging, was still under the shadow of the nation state. Post-modern experiment with the European Union as a post-historical approach was ongoing, but it was illusory to think that the national will be replaced by the supranational.

This "Experimental European Union" is still in the process of creation and it does not mean the end of the sovereign state. As Innerio Seminatore rightly notes, "EU remains a mixture of idealism and utopia, whereas Europe is still rocked between utopia and realpolitics."

European Union as a "unique experiment in history and a peace project" is difficult to be transformed into a supranational. It still remains an alliance of 27 western democracies, which inaugurated the largest common market, European area of the visa-free movement and the euro-zone. "

I also congratulate and thank him for this book, which I consider without hesitation as a bijou in the modest fund of Albanian literature in this field.

**By Prof. Dr. Esat STAVILECI\***

Whenever I talk or write about a book, I prefer to use aphorisms about it. This time, three aphorisms applied:

1. To never write my name on the book that I buy, before reading it, because only then can I say that the book is mine.
2. The book is more valuable than all the monuments, because the book itself will grow memorials!
3. This book reflects the author as a mirror reflects beauty!

To talk positively about a book to those who have not read it, is to tell them they will like the book because they have liked others similar to it.

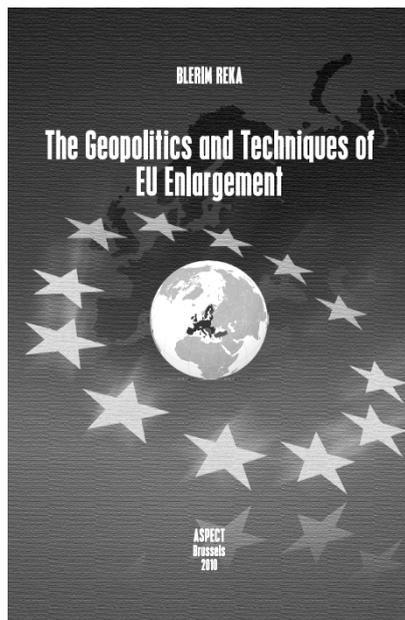
With pleasure I accept talking about the new book of professor and diplomat Blerim Reka, "Geopolitics and techniques of EU enlargement", because he is a colleague with whom I have collaborated and because of the high consideration I have for his writing.

I recommend to you this book to read with attention and devotion, either for gaining basic knowledge, or to deepen it, about a topic of much interest, both for Macedonia and for Kosovo: the geopolitics and techniques of European Union enlargement.

Allow me at the beginning to mention that the work of Blerim Reka is steadily increasing. Now he is not only a creator that promises, but a creator who claims, the pinnacle of scientific creativity and for that I congratulate him. He is up to date and he provided and explained enough to be trusted.

My evaluation about the newest book of Blerim Reka corresponds with the assessments of other reviewers, some of which are shown here.

\* Member of Academy of Science and Arts of Kosovo



Mimoza Halimi, ambassador of Albania to the European Union, said: "In my view, the book of Dr. Reka is not just an academic synthesis combined with diplomatic experience, but also a guide which leads the accuracy of the complicated labyrinths of this organization".

While Artur Kuko, representative of Albania to NATO, writes: "I would warmly like to commend the author for his valuable book..., especially for his contribution to the elaboration of the dimension of challenges to regional integration efforts".

Reportedly, the best book is not the one the author writes, but one the reader requires. Our literature has lacked a book such as this one that correlates geopolitics and the technique of expansion of the European Union. This merger has come from an author who is not only a "contributor to this process, but also a" witness of its historic development."

Unlike some others that while promoting a book, speak more about the author than the book, I would like to expose this

book's uncontested value in viewing EU enlargement "in a changed geopolitical context of the first decade of the century XXI".

In fact, the book is an "analysis of the EU enlargement process in its geopolitical and technical dimension", based upon the author's four years of research: 2006 – 2010, a period that, year after year, "bore the stamp of a specific problem":

2006 dealt with: "The debate about the absorption capacity of the EU, to (not) accepting new members."

2007: "The conviction of the member states to accept the death of the European Constitution."

2008: "The year of not only the impossibility of entry into force" of the Treaty of Lisbon, "but a year of Russian-Georgian war and world financial crisis."

2009: "The challenge of three E crises: economic, energetic and ecological" as well as "entering into force of the Lisbon Treaty."

The first half of 2010 "was a sign of presidential coexistence of the EU, or experimental functioning of two presidencies of the Union - the first one permanent and the other in rotation, as well as establishing the first diplomatic service of the European Union".

While the former diplomat, Blerim Reka with this book is presented as a researcher. "To confess to diplomacy," he expresses with full right, "asked for a necessary time distance".

Therefore, the book does not express the ambassador's opinions, but presents the views of the author affirmed in a very important area of study. Perhaps as promised in the preface, the book of the diplomat "will be written another time."

The book is arranged in four parts that make up a whole, but also from the

substantive and methodological part merge into a pillar:

### List

Part One: Change in the geopolitical context of the first decade of XXI century.

Part Two: Expansion of the EU as geopolitics.

Part Three: The Politics of EU enlargement.

Part Four: Techniques of membership.

I will finish with the conclusions of the author. Here the reader of the book will learn about the problem, as well as the author's stance on it.

The author of the book, rightly, does not see the membership of a country in the European Union, as "an act" but as "a process." In fact, the author sees the process of "transformation of a sovereign state into a member state" as happening in steps. The sovereign state "must advance through state contender status, to an aspiring state, to a potential candidate, on to an applicant state, to a candidate country, and further negotiating until it achieves the status of a member state of EU."

Blerim Reka thinks that for Macedonia and Kosovo in particular, the "whole process of transformation from a sovereign state to a member state of the EU is a long, complex and not always safe process."

The author of the book considers the EU enlargement policy in the nature of geopolitics, because according to him, "through its enlargement policy, Brussels wants to achieve certain strategic goals." On this basis, he believes that "the policy of expansion varies depending upon the geopolitical region to which it is addressed" to conclude that: "While for the Western European countries meeting the condition of being democratic state is enough, for states of Central and Eastern Europe this policy of expansion (in the Nineties of last century) was relatively flexible, in order to European post-

communist reunification after the Cold War " and "at the beginning of the XXI century, the strategy of expansion towards the states of Western Balkans and Turkey was more rigid, conditional and long term".

Blerim Reka finds the likelihood of "three fatigues of Europe by the end of 2009: "institutional fatigue, fatigue from expansion and reform fatigue dedication."

He calls Enlargement of the EU "a success story, but still unfinished." The author expresses that "the EU-27 is not the end of the story" and concludes that "the enlargement process is not complete without joining Europe".

The author of the book identifies six models of EU expansion: conciliation expansion (1973), post-dictatorship expansion (1981-1986); neutral expansion (1995); expansion of the past cold war (2004-2007); post-conflict expansion (since 2000); inter-civilization expansion (Turkey from 1959 to 2009) and Nordic-Atlantic expansion (Iceland since 2009).

According to Blerim Reka, the success of the membership is "determined by four key factors: political will to achieve EU membership, internal consensus, support of the citizens and the administrative capacity to implement this objective."

Naturally he has not been able to predict the fate of the Western Balkans. He states that "the position of Western Balkans in the process of EU enlargement remains unclear." Indeed, "officially, the EU institutions adhere to commitments made by the Thessaloniki Summit (2003) that the region has a European perspective based on conditionality, and the individual merits of each country."

Blerim Reka has not seen a reckless degree of optimism regarding the Western Balkans. Rather, it is a real trial. Western Balkan integration into the EU needs "to relativize the imposed borders that brought so much human tragedy, to grasp (and) reconcile history with

geography, to close once and for (all) national open issues", taking into consideration that "territorial solutions to national problems," according to him, have not calmed the Balkans, because the international community's efforts patterns have been shown to be incomplete: Dayton, The Konculs, or Ahtisaari Agreement.

Criticism of a work cannot be other than statements of its value. Man is critical not only when he has analyzed the value of a work, but even when he has discovered it. I have had the opportunity to take part in discovering the work of Blerim Reka in general, and with this book, in particular.

History has adopted the principle that the value of a work is not measured only with the impact that it makes upon other works, but also with its presence. This book ranks among books that will live long.

Evaluation of a work and its research, provoke the conscience of the critic, and require him to evaluate objectively and realistically, because of the traditional allergy of the author towards the critic. Blerim Reka, with this book has no reason to show signs of allergy towards the criticism of his work. The critic is aware of its overall value, and has not forgotten the aphorism: the best book is not the one that is written, but the one that will be written. This book promises that Blerim Reka will write.

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**Hasan Jashari**

***Essays of Political Philosophy***

**(Arbëria Design, Tetovo, 2010)**

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**By Prof. Dr. Ali Pajaziti**

According to D. Miller, Political philosophy can be defined as philosophical reflection on how best to arrange our collective life - our political institutions and our social practices, such as our economic system and our pattern of family life. This usually involves analyzing and interpreting ideas like freedom, justice, authority and democracy and then applying them in a critical way to the social and political institutions that currently exist.<sup>106</sup>

The book of Dr. Hasan Jashari, *Essays of Political Philosophy*, is the fifth book in this field in Albanian language after the book of Ukshin Hoti (“Filozofia politike e çështjes shqiptare”- Political Philosophy of the Albanian Cause), three translations from international languages, Raino Malnes and Knut Midgaard (Political Philosophy), Janos Kish (Contemporary Political Philosophy), David Miller (Political Philosophy: A Very Short Introduction) and the first book from this field in Albanian in the Republic of Macedonia. In contrary to the Hoti’s book, the Jashari’s book has more local elements, it treats issues that directly are linked to the reality in Macedonia, and global issues, as well he speaks about the influence of the planetary processes in the universal political streams. From the other three translated books it differs that it does not treat in conventional manner the key terminology and personalities of this field but examines the phenomena



based on different theories of classical and contemporary politicalology and political philosophy.

The book begins with the issue of identity as a category of highly controversial and politicized, examining the vertical and horizontal aspect, its complex identities (multi-citizenship: Maaluf), halved identities (migrants: Macedonian passport, lives in Denmark and knows only 10 words in Macedonian), polarized identities, xenophobia as a current phenomenon in particular Western European countries that are facing large influx of newcomers who change the structure of societies (“London is getting black”), etc. Political philosophy of conflict is another topic that is analyzed in this book, other and otherness, ours and others, ethnical, religious and races conflicts: Albanians and Serbs, Arabs and Palestinians, Hutu-Tutsi etc. As typical example of destructive policies he offers the Battle of the Somme during the First World War, in which have fallen dead

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<sup>106</sup> <http://www.rep.routledge.com/article/S099>

770.000 British and Germans. The author treats the instinct of human to destroy even the civilization (during II WW, civilization and human values was the enemy, p. 22).

The author in this book describes a traditional system of social strata, the Hindu caste, which is based on religious beliefs (Brahmins, Kshatriya, Vishay and Surds), by correlating to the reality in Macedonia, where the discrimination of non-Macedonians has become a social direction (starting from agricultural subventions up to higher education), and discrimination that Albanians do in this country (in the wending parties to the Roma musicians the dinner is served in the end).

He also opens another issue from the field of film/movie sociology by analyzing the film "Koncert në vitin 1936" (Concert in the year 1936), with which he gives a description of the ideological schemes of communism, by trying to present in the darkest way a historic period, in fact affirms the pro-western values of the time (Hartman piano, Vienna), political philosophy and western vital style during period of the King Zog. The local cycle is completed by treating the blood feuds among Albanians, the Kanun of Lek Dukagjini (article 240) as constitution of Albanians, as tragedy (Kadare).

The second chapter deals mainly with the issue of globalization as the main story of our century (A. Bariko), by treating the globalization from economic, politic and social aspect (p. 84), as a transition from sumo fight (cold war) into the sprinters one (as Usain Bolt, Tyson Gay), who are forced to run continuously, again and again despite the victory, this is a trajectory where a loss of a second becomes the loss of billions \$. (Th. Friedman, 2003). It is very important the dilemma that the author treats in this aspect: Is the globalism sunshine or Tsunami Warning (f. 91)? In this context he also stops on radical demographic changes in the world, beautifully outlined

by A. Davutogllu (a Buddhist female goes for lecture to believers in Vienna and India is replaced by blond European guru). The global dialogue and religion or inter-civilization dialogue as a necessity in the third millennium, if we want to avoid Huntington's sinister table of civilization clashes ("Between Islam and West it is widen the gap", f. 145).

In the third chapter Prof. Jashari treats the problem of education in the condition of the post-capitalist period (Knowledge Society, Peter Drucker) that has impact in conceptions, values, economic, social and political structure.<sup>107</sup> In the following part of the chapter he treats the quality of education in all cycles with special accent on the higher education, taking as examples higher education institutions like Harvard, Yale, Oxford, etc. Bologna Process and reforms in education, ideological role of education (censure), educational policies, decentralization of education, inequities in education (Roma population), future of education is one subjects treated in this chapter.

Finally the last part is consisting by general guidance with overtones of political philosophy, post-communist Poland breathes more freely and with more optimism (p. 267), metaphors of flowers as saving the nation from communism (softens the hearts of spies, policemen, dictators, increases the elan of resistance and hope for suffering layer; trip to Australia, Aborigine culture, multi-culture; India as wonderland, drastic social differences, megapolitan culture (Mumbai) etc.

Summa summarum, the book *Essays of Political Philosophy* represents an important collection in the academic world of books in Albanian language where by scientific discourse are treated subjects of cultural anthropology, social philosophy, sociology of religion and so on. Names that he has consulted G.

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<sup>107</sup> Peter Drucker, *Post-capitalist society*, Harper Business, New York, 1993.

Anidjar and E. Said, of which appears to be mostly influenced, but as well the reset like Tukwila, Derrida, Harvey, Gadamer, Drucker, Fukuyama, Huntington, Kadare, Hobsbawm, Th. Friedman, Davutoglu, Castells and others shows that the authors follows the latest streams from his field and beyond. Originality of this work lies in the authors notes from daily life by being interpreted by a scientific methodology, in trying to make a political philosophy Balkanization (Todorova). There are some points for debatable as the ban for religion even tough is noble deed, the need to Europeanization of Islam (f. 174). I would suggest to the author that for some the quotes in the book to note the page number, beside author and year of publication and to make some methodological corrections in the bibliography (Sociology Goes to Movies, New Delhi: Sage, 2006- the author is missing), Ingelhart, R. (full name), al Gor (www- address is not full).

However, I wish to congratulate author for the work done and enriching our scientific literature from which will benefit the academic world, students, politicians, journalists and all those who care about the report philosophy-politics-postmodernism, and we expect that this book to be followed by another one.

**By Prof. Dr. Ferid Muhiq**

The manuscript presents collection of essays, columns, articles and presentations that the author published in the period 2006/2007, in Macedonian language mainly in “Утрински весник” (daily newspaper in Macedonian) and in Albanian language in “Fakti” and “Flaka”, and as well in conferences, symposiums and round tables. Despite the extremely wide range of topics discussed, the author manages to keep cohesiveness of the book by emphasizing the central subject of his interest. Namely, it is about a successful attempt to determine the content and quality of the political changes made in the field of democratization of society, especially in the period known as "transition" mainly in Macedonia, Kosovo and Albania. Even though the realization of this undoubtedly is the central theme of the entire manuscript which is happening in relatively clearly determined time and space (geographical/political) frame, its elaboration can be followed through substantial broader chronological context and in all geographic meridians.

The proclaimed principles of the French Bourgeois Revolution of 1789 "Liberty, Brotherhood, Equality" until now have not been implemented anywhere in the world and it seems that today is even far more away from its fulfillment than ever before. The problem of totalitarian claims not only that is removed from the global political arena with the collapse of socialism, but now becomes a global phenomenon. Political hegemony of developed and undeveloped countries, encouraged by economic and also by direct military intervention and pressure, today are questioned the three ideas promoted more than two hundred and twenty years ago, turning the topics in a tool for fooling and misunderstanding. What brotherhood?



What equality? These values today are put even as index in the strategy of all major political forces in the world. The notion "freedom" functions only as a bubble which often has no real meaning.

The author Hasan Jashari comments on the fight sequences of small nations and sometimes even tribes for defending and affirmation of self-identity, integrity, freedom, equality, i.e., efforts to integrate into the modern world flows. He writes about attitudes of Amin Maalouf on aspects of identity, and the battle of Chirichua Apache led by Cochise and Geronimo in order to preserve their own identity, for the war of the African tribes Tutsi and Hutu, for the treatment of Albanians (Shqiptarët) since the time of Dushan Code; Jashari's writing for harassment of Albanians and attempts for their denationalization in Kosovo, from the mid-fifties of the last century, to the beginning of the third millennium, in an attempt to totally ethnic "cleansing" of Kosovo from the Albanian population; the author also speaks about the relationship of the Serbians toward Bosnians during the war period 1992-1995, with the crimes that culminate with genocide against Bosnians executed in

1995 by the Serbians of Ratko Mladic and Radovan Karadzic in Srebrenica.

These essays are part of the impressive log list of contributes in the political sciences and political sociology, the main quality is the specific interest in aspects

of political philosophy, like in the interesting expose and well documented arguments during the entire text.