

MONITORING THE PROCESS OF DRAFTING THE CROSSCUTTING DE-CENTRALIZATION AND LOCAL GOVERNANCE STRATEGY 2014-2020

THE PROCESS OF DRAFTING the Decentralization and Local Governance Strategy commenced officially upon approval of the Prime Minister's Order No. 69, dated 13.02.2014, "On establishment and Functioning of Cross-Institutional Working Group for Drafting the Crosscutting Decentralization and Local Governance Strategy" under the guidance of the Minister of State for Local Issues and with the support of the USAID Planning and Local Governance Project (PLGP). This is the third policy document that IDM issues in the framework of decentralization reform seeking to present the level of government openness¹ in the course of drafting and discussing the Crosscutting Decentralization and Local Governance Strategy 2014-2020. The document is elaborated by dimensions pursued during the monitoring work, specifically, transparency, participation, and cooperation. The selection of these three dimensions is based on the literature² and on the principles that guide the relationship of developed countries' governments with their public.³

TRANSPARENCY

THE DIMENSION OF TRANSPARENCY refers to the extent the government provides information to allow citizens to hold officials accountable. Measuring the level of transparency is focused in the communicated information, its quality, completeness, accessibility, timeliness, inclusiveness, and the pursued methods of communication.

The Prime Minister's Order No. 69, dated 13.02.2014, "On establishment and Functioning of Cross-Institutional Working Group for Drafting the Crosscutting Decentralization and Local Governance

Strategy" is included in the package of documents presented in the decentralization strategy kickoff meeting held on March 28, 2014. This document provides for the establishment, composition, main objective of the cross-institutional working group and the timeframes for completing the strategy. Yet, it is noticed that this order is not published in the media or website. Therefore, stakeholders and other interest groups find it difficult to know its content and timeframes.

The Government of Albania has been open to present timeframes for drafting the decentralization strategy, even though these deadlines were not respected. Thus, paragraph 8 of the Prime Minister's Order specifies the obligation of the working group to prepare the first draft of the decentralization strategy within July 2014. The joint action plan of the Minister of State for Local Issues and USAID PLGP Project, published on March 28 2014, envisaged that the final draft of the decentralization strategy would be completed by the first week of July 2014 and the monitoring of the decentralization process would start by the end of July 2014. However, the draft strategy (version of August 9, 2014) stated that "the process of drafting the strategy started in March 2014 and ended in September 2014."⁴ The version of October 2014 states that "the process of drafting the strategy started in March 2014 and ended in November 2014."⁵ The failure to abide to timeframes has caused confusion and non-coordination of actions, and deficiencies in harmonizing with other sectoral and cross-cutting strategies.

Overall, the Government has been transparent in communicating its activities organized in the framework of drafting the strategy. Irrespective of this fact, the audience has been restricted to stakeholders of decentralization and local governance in Albania through invitations from the Minister of State for Local Issues. This approach has been dif-

1 Government openness. See for example Bertot, J. C., McDermott, P., Smith, T. (2012). Measurement of open government: Metrics and process. Proceedings of the 45th Annual Hawaii International Conference on Systems Sciences, pp. 2491-2499.

2 Sandoval-Almazan, R. & Steibel, F. (2013). Benchmarking Mexico & Brazil open government websites: Models and Metrics. American Journal of Industrial and Business Management, 3, pp.23-32; Open government data principles. Retrieved July 18th, 2014 from https://public.resource.org/8_principles.html

3 Open Government plans audit. Retrieved July 18th, 2014 from <https://sites.google.com/site/opengovtplans/>

4 Crosscutting Decentralization and Local Governance Strategy, version of August 9, 2014

5 Crosscutting Decentralization and Local Governance Strategy, version of October 2014

ferent from the one pursued during the administrative-territorial reform. The kickoff meeting was open even though attendees were invited ahead of the event. Meetings of the sub working groups – Functions, Fiscal Decentralization, Structures and Cross-Institutional Relations, Local Administration and Good Governance, and Local governance and EU Integration– were all held in closed sessions and accessible to working group members only.

In a chronological order, the following activities have taken place: Organization of the first meeting of the decentralization working group (28.03.2014); Meeting of Line Ministries (on 09.04.2014); Meeting of Fiscal Decentralization sub Working Group (on 24.04.2014); Donor coordination meeting supporting decentralization reform (on 30.05.2014); Meeting of the Urban Development sub Working Group (09.07.2014) – this meeting was not announced at the beginning of the drafting process; drafting the first version of the strategy (on 09.08.2014); Roundtable on Administrative-Territorial Reform and Fiscal Decentralization (on 12.09.2014); Meeting of Associations of Local Elects and Partner Organizations on amendments to the Law No. 8652, dated 31.07.2000, “On Organization and Functioning of Local Governance” (on 10.10.2014), organized by DLDP and PLGP/USAID, in which the draft strategy was presented and discussed. The second version of the draft strategy was published in October 2014 and was disseminated to stakeholders and interest groups to solicit their feedback. A foreign language version is missing, however. Other activities announced by the Government but not carried out included meetings of the sub working groups of Local Administration and Good Governance as well as Local Governance and EU Integration. These meetings were expected to be held in September 2014 in pursuance of the work on drafting the strategy. We have identified some important activities conducted on site by various donor agencies and programs, mainly DLDP, focused on contributions to the decentralization strategy.

Making available to the working group and subgroups the numerous documents prepared or supported by experts and various agencies through their programs on local governance and decentralization, such as PLGP/USAID, DLDP, SDC, OSCE, CoE, etc., is deemed to be a positive effort. It is observed that some of the documents have not been translated into foreign languages. Therefore, international experts have found it difficult to consult on and give their feedback and contribution. We believe that the working group/subgroups and

experts should have met more often and conduct thorough analysis of the local and regional development from a territorial consolidation approach, carry out meetings and more in-depth analysis of the process of country’s accession to EU and its impact on the local governance (costs, benefits), on local government units as responsible entities for the enforcement of a considerable share of the country’s legislation harmonized with the EU acquis as well as research, meetings and discussions on qarks (counties) and the future of regions.

In addition, we have noticed some feature of government openness to sharing and circulating the versions of the drafted strategy with the stakeholders. The consultation process was, however, fully extended to local government units. The draft strategy was shared electronically or in direct meetings. The communication among members of working group and subgroups was mainly ensured through email. Sub working groups’ meetings were announced by email, by which participants and invitees were informed of the meeting date and agenda. Analysis conducted by sub working groups or individual experts were made available to members by email, but an online consultation electronic platform is missing. Consequently, the above documents are not accessible to interested researchers or scholars. The consultation with the experts and local leaders on the part of international programs (DLDP, PLGP) is commendable and follows a bottom-top approach through direct or meetings or via the electronic platform (<http://www.km.dldp.al/blog/>).

The coverage of the process for drafting the crosscutting decentralization and local governance strategy in the press, media, and website has been viewed in the following aspects: (a) how much information on the process has been conveyed to the public and interest groups; and, (b) how open the meetings of the working group and sub working groups were to the media. We observe that (i) the coverage of the drafting process has been limited if compared with the one of the territorial reform, because there are fewer open meetings, less information published in the media and there is no website similar to the one established for the administrative-territorial reform. The website of the Minister of State for Local Issues has a section on ‘priorities – ATR & Decentralization’, but it does not provide any information on the strategy drafting process. One good website to solicit the feedback of the experts, interest groups and citizens has been established by DLDP. (ii) The

first meeting of the working group was held on 28 March; the “Territorial Reform and Fiscal Decentralization” roundtable was held on 12 September; a meeting amendments to the Law No. 8652, dated 31.07.2000, “On Organization and Functioning of Local Governance” (held on 10.10.2014) was open to and covered by the media and press; (iii) the meetings of the sub working groups were open to the media; (iv) there are just a few articles and analysis published in the media and only one TV talk show aired.

PARTICIPATION

THE DIMENSION OF PARTICIPATION refers to the involvement of local government units, line ministries, associations of local elects, civil society organization, and citizens in the decision-making process with the aim of informing, exchanging experiences, and influencing government reforms.

Participation in the designated cross-institutional working group is considered comprehensive with 41 institutions and organizations representing line ministries, LGUs, local associations, businesses, civil society, national and international organizations and donors operating in Albania, and various agencies that run programs on local governance and decentralization. We observe the absence of the members of Parliament (subcommittee of local governance) and the scientific research community. The participation and contribution of the various agencies and programs is crucial to the development of the strategy. The contribution, roles, and responsibilities of this community were defined in the donors’ meeting held on 30 May. The roles and responsibilities are as follows: (i) fiscal decentralization to PLGP/USAID and DLDP; (ii) functions to DLPS and OSCE; (iii) structures to DLDP, STAR, and CoE; (iv) administration to DoPA, CoE, DLDP, and SDC; (v) European integration to DLDP and SDC. These programs have made available to the sub/ working groups very useful reports, analysis and recommendations. Another step to be undertaken includes the analysis of the content of the strategy. It will assess the extent of consideration of the reports, analysis and recommendations by the working group to incorporate them in the strategy.

The participation of the association of local elects, such as Albanian Association of Municipalities, Albanian Association of Communes, and Association for Local Autonomy has been discontinuous. The expected consultative meeting between MoSLI and associations of local elects with regard

to the strategy has not been held because of associations’ political affiliation and inclination. Local associations were expected to play a greater role in this process. Civil society organizations with experience in civil society sector have, on the other hand, played an active role throughout the drafting process.

In terms of LGUs’ representatives, we notice that left-wing local government units have participated regularly in activities organized by MoSLI. Participation has included representation of the entire political spectrum in the events organized by the international programs/agencies. The USAID-funded PLGP Project includes a considerable majority of representation of local governance in Albania since the partner communities of this program represent a population of over 1.5 million inhabitants. DLDP Program has also encouraged LGUs’ representative in the regions of Shkodra, Lezha, Kukes, Durres, and Dibra to offer recommendations on the Decentralization and Local Governance Strategy 2014-2020. The participation of local government units’ representatives in activities coordinated by MoSLI should, however, be more comprehensive across Albania.

COOPERATION

THE DIMENSION OF COOPERATION refers to building bridges of communication among interest groups and establishing relations to strengthen the decentralization process. The Government’s efforts to promote cooperation at several levels, such as through representatives of line ministries, with donors, associations of local elects, and civil society organizations, are appreciated.

However, the level of cooperation among sub working groups has been deficient. This is witnessed in the kickoff meeting of the cross-institutional working group of the drafting strategy. It is necessary that this group meet to officially recognize the strategy so as to facilitate its implementation.

The cross-institutional cooperation at central level has encountered some problems since sub working groups’ coordinators have been unable to engage line ministries in meetings and discussions. This is furthered with the deficient contribution of these ministries to the strategy drafting process.

Cooperation with the associations of local elects has been asymmetric and unbalanced, while this cooperation with LGUs has been ensured with the support and assistance of the international pro-

grams owing to their collaboration established before rather than directly by MoSLI. There is no cooperation with other groups whose focus is the drafting of sectoral strategies and this has led to non-harmonization of the decentralization strategy with the other sectoral strategies.

FINDINGS AND RECOMMENDATIONS

- It is necessary to publish strategic documents, research, reports, and assessment analysis conducted in the framework of strategy drafting with the aim of improving transparency and enhancing involvement of stakeholders, public and other groups in the decentralization processes.
- There is still no version of the draft strategy in foreign language. It is necessary to publish this document in English in order to facilitate and solicit the feedback from the international experts.
- The full commitment of the cross-institutional working group is needed to complete the strategy drafting process. Determination of deadline acceptable and achievable to all is deemed to be the way to ensure good coordination and mobilization of institutions and stakeholders.
- Media has covered the main events in the process of drafting the strategy, but it is indispensable that the working group or sub working groups organize talk shows and debates with experts, stakeholders and interest groups to inform the public about the strategy's context, goals, priorities, benefits, and implementation. This would help to increase transparency and public awareness on strengthening of local governance through decentralization.
- Cross-institutional cooperation at central level has encountered several problems and calls for a more proactive commitment of line ministries in the subsequent steps of the drafting and implementing the strategy.
- The cooperation with the associations of local elects has been asymmetric and unbalanced and has been conditioned by political factors. A more significant role of all associations of local elects would increase the extent of participation in the drafting process regardless of political affiliation and inclination of LGUs.
- Cooperation among political factors (ruling majority/opposition) in the process of drafting is lacking. Ways should be identified and mutual trust should be increased with the aim of involving all political factors in the drafting process in order to ensure quality and sustainability of the strategy.
- A positive influence of international stakeholders and programs in promoting and supporting the drafting process has been observed, and we consider it beneficial to the process the involvement of scientific researchers.
- The information on procedures and timeframes of consultation with the public, stakeholders, and interest groups on the draft strategy is lacking. It is necessary to define the procedures, timeframes, and methods of consultation.
- It is recommended to hold open discussions to focus in (i) the recommendations of the Congress of Local and Regional Authority for Albania (recommendation 201 [2006], and recommendation 349 [2013]); (ii) OSCE/ODHIR Mission recommendations on elections of May 8 [2013]; and, (iii) the recommendations of the European Commission incorporated in its progress reports.
- It is observed that there are no studies and research on the process of country's accession to EU and the impact of this process on local governance (costs, benefits). It is recommended to hold an open and inclusive discussion so that the public is informed about the costs and benefits of this process.
- There have been no discussions on regions and their future. The future of the regions should be determined by means of the new strategy after an all-inclusive discussion has been made.

The **Institute for Democracy and Mediation (IDM)** is an independent non-governmental organization founded in November 1999 in Tirana, Albania. It works to strengthen the Albanian civil society, to monitor, analyze, and facilitate the Euro-Atlantic integration processes of the country and to help consolidate the good governance and inclusive policymaking. IDM carries on its objectives through expertise, innovative policy research, analysis, and assessment-based policy options.

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