

# Civil Society Participation in Decision Making in Albania

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# Civil Society Participation in Decision Making in Albania

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The views and opinions expressed in this booklet are of the authors and do not reflect those of the UK government or WFD.

## ACRONYMS AND ABBREVIATIONS

AMA	Audio-visual Media Authority
ASPA	Albanian School of Public Administration
CoE	Council of Europe
CSOs	Civil Society Organisations
CPD	Commissioner for the Protection from Discrimination
EC	European Commission
EIDHR	European Instrument for Democracy and Human Rights
EU	European Union
FOI	Freedom of Information
GoA	Government of Albania
IDP	Commissioner for the Right to Information and Personal Data Protection
LGUs	Local Government Units
MP	Member of Parliament
OPDAT	Overseas Prosecutorial and Development Assistance and Training Program
OGP	Open Government Partnership
OHCHR	Office of the High Commissioner for Human Rights
OSCE/ODHIR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-Operation in Europe
OECD	Organisation for Economic Co-operation and Development
US	United States
UNHRC	UN Human Rights Council
VAT	Value Added Tax

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# EXECUTIVE SUMMARY

An active and participatory civil society that is able to hold public institutions accountable, propose policy solutions, and enable citizens to exercise their rights, voice their concerns, and engage in policy development is crucial for Albania in successfully facing difficulties on European integration, implementing major ongoing reform processes, and addressing current concerns about the accountability of the government at both central and local level. The main objective of this study is to analyze the current interaction, participation, and engagement patterns and mechanisms between public institutions and civil society. It does so by focusing on the cooperation of civil society organizations (CSOs) with decision-makers in Parliament, central government (line ministries), local government, and independent institutions.

This study finds that the legal and policy frameworks for enabling cooperation between public institutions and civil society are largely in place, but the challenges remain: lack of feedback and follow-up mechanisms, poor implementation of legal framework, and superficial collaboration with CSOs with very limited substantial impact. By and large, the structures and processes of collaboration with the CSOs are badly integrated, not sustainable, loosely defined and lack internalization. Institutions have limited capacities to prioritize public information, consultation, and overall cooperation with CSOs.

The Coordinators for Public Information and Consultation do not fully exercise their authority within their institutions, as envisaged by the legal framework in place. The limited institutional memory and deficient procedures for knowledge management constitute another key challenge to the cooperation between public institutions and civil society. However, the relationship between independent institutions and CSOs resembles the model of partnership between state institutions and CSOs - an indication of a pervasive culture of cooperation that stretches across all institutions at an overarching societal level.

Lack of political will for conducting genuine consultation processes and improving cooperation between CSOs and institutions is evident. State institutions do not consider engagement with CSOs as instrumental to furthering the public interest, but rather as an additional workload without significant impact. Hence, this adds to the mutual distrust between public institutions and CSOs regarding their cooperation and its impact – leading to a culture of ‘ticking the box’. Much of the interaction between the two entities is hampered by the limited transformative culture within state institutions. Institutions do not invest enough resources and energy into raising capacities, training personnel, and instilling value in the process of their cooperation with the CSOs.

Although civil society engagement is critical, most organizations suffer from insufficient understanding, capacities and resources to make significant impact – except for a few well established CSOs. Hence, while CSOs at local level have stronger ties with the communities, they have considerable limitations in terms of adequate structures, resources, and competences to interact in a sustainable and meaningful manner with decision makers.

The study finds limited proactive approach on the side of CSOs to build systematic and sustainable interrelations with state institutions and participate in policy and legal processes. Such cooperation on the part of CSOs is predominantly project-based, which has led to institutions limiting interaction with CSOs and not considering their efforts as genuine. Ultimately the CSOs-state institution cooperation is characterized by mutual distrust on the substance of cooperation.

The report concludes with specific recommendations on how to improve the legal, administrative, and cultural framework of the interaction between civil society and public

institutions with the intent of generating greater synergy in decision-making. Recommendations place a particular emphasis on the need to enhance the mechanisms of implementation, be those in the form of regulations, structures, or processes. As such, from the legal standpoint, the report finds that the Law on the Right to Information must be regulated to offer unequivocal interpretations of terms and provide clear guidance for public institutions. Similarly, the Law on Public Consultation requires an improved regulatory framework of bylaw and monitoring capacities of the institution in charge (the Commissioner for Information and Data Protection - CIDP).

Both public institutions and CSOs must commit to their share of responsibilities for effective collaboration to take place. On one hand, public institutions should: (1) establish more consistent monitoring, evaluation, and learning mechanisms to improve knowledge management, (2) develop procedures and regulation for effective and impartial consultation processes, (3) make use of feedback and lessons learned to advance institutional knowledge, (4) strengthen the role of the Coordinator for the Right to Information and Public Consultation, and (5) instill transformative culture within institutions to adapt to policy, legal, and even socio-economic changes.

On the other hand, CSOs should focus on: (1) growing sustainable relations with their communities and support base to build trust and credibility, (2) providing meaningful input to policy-makers, (3) building coalitions and connecting stakeholders, (4) promoting mechanisms of direct and participatory democracy, and (5) breaking free of the donor-dependency cycle.

# INTRODUCTION

The primary goal of this study is to assess the current patterns and mechanisms of interaction, participation, and engagement of civil society organisations with decision makers and particularly Parliament, line ministries, local government units, and independent institutions in Albania. It examines the legislation, its implementation, and the administrative and cultural practice of cooperation between public institutions and CSOs. Finally, the study elaborates actionable recommendations, which seek to improve the current cooperation between CSOs and decision makers at different levels.

The structure of the study is as follows:

- The first section outlines the methodology by presenting the approach, methods, collection, analysis and validation of data, and pondering on the limitations.
- The second section presents a conceptual framework of CSOs and decision makers' collaboration, particularly referring to standards and best practices.
- The third section analyses the strategic environment in which CSOs in Albania operate and explores how it affects their collaboration with decision makers. The focus here is on shrinking civic space, mission drift of CSOs, fragmentation and centre vs periphery gap, links to communities, and coalition building. In addition, this section outlines the role of the European integration regarding collaboration between CSOs and decision makers and briefly presents key donors providing financial and technical support in this area.
- The fourth section explores the legal framework regulating the cooperation between CSOs and decision makers by zooming into aspects, such as flow of information, supportive regulatory framework, enabling legislation, and socio-political environment.
- The fifth section presents the current patterns and mechanisms of cooperation between CSOs and Parliament, line ministries, local governmental units (LGUs), and independent institutions. It, then, examines the enabling structures and processes in public institutions that allow for a genuine collaboration with CSOs.
- The sixth section explores the cultural aspects and power relations of the cooperation between decision makers and CSOs.
- Finally, conclusions are followed by recommendations specific to civil society and public institutions.

# METHODOLOGY

## *Research Questions*

The overall objective of this research is to analyze the current interaction, participation, and engagement patterns and mechanisms between public institutions and civil society. More concretely, the focus will be on the Parliament, central government (line ministries), local government (municipality councils), and independent institutions. Three key research questions will be addressed:

1. What are the current patterns and mechanisms of interaction, participation, and engagement of civil society with the Parliament, line ministries, local governments and independent institutions?
2. What are the strong and weak points of legislation, adequate implementation, practices, and behaviour of Members of Parliament (MPs), line ministries, local councillors, administration of independent institutions, and CSOs regarding cooperation?
3. What recommendations and entry points may be used for improving the interactions among CSOs and decision makers at different levels?

## *Research Methodology*

The research methodology was applied by following a three-step process: 1) desk research (mapping of the problem), 2) data collection and analysis and 3) validation workshop to fine tune the preliminary research findings.

### *Desk Research*

The first stage of the research was to map the current situation and present the challenges by focusing on the analysis of legal and regulatory framework of CSOS engagement with institutions; current practices and institutional mechanisms of collaboration between institutions and CSOs; and identification of best practices of collaboration.

Review of literature and reports from CSOs, independent institutions, international bodies and media were combined with secondary analysis of official statistics to give a snapshot of the current situation in Albania. The research team analysed the information provided in various manuals on CSOs participation in the decision-making process, public available data in institutions' websites, particularly from the transparency programs, in reports on CSOs participation in decision-making, different governmental policy documents on creating an enabling environment for civil society, etc.

### *Field Work and Data Analysis*

The methodological approach applied for the present research was based **on 24 in-depth, semi-structured interviews conducted** with key informants - policy and decision makers from

central and local level government, Albanian Parliament, senior experts and representatives from independent institutions, and civil society actors active in the field of CSOs collaboration.

The guideline for interviews was revised to fit the objectives and the focus of this study. The qualitative instrument was designed to gain an in-depth understanding and better insights on the current patterns of collaboration with CSOs, with a special focus on the main barriers and positive practices encountered in terms of information, consultation, dialogue, and partnership with CSOs. More specifically, the research team conducted:

- Four interviews with senior and former officials from the Albanian Parliament (decision makers from the Parliamentary Committee on Security and Defence; Committee on Labour, Social Affairs and Health; Committee on Production Activities, Trade and Environment; Committee on European Integration; and Ad Hoc Committee on Election Reform);
- Three interviews with senior officials from the line ministries (Ministry of Health and Social Protection; Ministry of Agriculture and Rural Development);
- Three interviews with representatives of independent institutions in Albania (Ombudsman, Commissioner for Information and Data Protection, Commissioner for Anti-Discrimination);
- Nine interviews with local government officials from 3 municipalities in Albania (municipalities of Shkodër, Ura Vajgurore, and Elbasan); and,
- Five interviews with representatives of the civil society organisations.

Two additional ministries and one municipality were initially considered for interviews. However, officials in those institutions either declined or ignored the request for interviews.

Another mechanism for obtaining data from the institutions was the usage of official requests for information. The requests were sent to serve two purpose: firstly, to gather information about the project; and, secondly, to help assess the nature of cooperation with CSO in terms of delivering information on time, accurately and as requested.

## ***Data Validation***

In December 2019, the preliminary findings and recommendations were consulted with and discussed in a roundtable with groups of interest consisting of CSOs, think-tanks and academics, senior representatives and key decision- and policymakers at central and local government level.

## ***Constrains and Limitations***

The identification of respondents for this study was based on the criteria allowing for a diverse typology of decision-making institutions, both at local and central level, including the Parliament and independent institutions. In each of the target institutions, the team selected professionals whose work experience and profile relate to the main focus of the research analysis. As regards the selection of CSOs, the sample included think-tanks whose nature of work was tied with that of the institutions in various forms (monitoring, advocacy, trainings, research, etc.) in Albania.

# CONCEPTUAL FRAMEWORK ON CSOS AND DECISION-MAKERS' INTERACTIONS

Recognizing civil society heterogeneity and its role in democracy, this section examines the levels of interactions between civil society and decision-makers.

## *Civil Society as a Heterogeneous Actor*

Civil society today is recognized as a diverse and ever-wider ecosystem of individuals, communities, and organizations. Information and communication technologies have opened up spaces of power, influence, and association to new configurations of actors, leading to a significant growth of online civil society activity, and enabling networks to be built across geographical, social, and physical divides. These networks allow greater number of people to aggregate and collectively address societal challenges.<sup>1</sup> Therefore, when attempting to conceptualize the interactions between state and civil society, it is paramount to acknowledge that civil society is diverse and continuously changing in light of the current social, political, cultural, and technological developments.<sup>2</sup>

The existence of a vivid civil society is an indicator of well-functioning democracies that give space in public life and decision-making to the full variety of different opinions, concerns, and solutions. By combining a mix of various public and private resources to achieve their mission, they are often a source of social innovation by providing solutions to matters of public interest.<sup>3</sup> The policy and social environment as well as the legal framework affect the opportunities of CSOs to operate and interact with public institutions. As such, the legal frameworks can be designed in a way to be either supportive or impeding to a pluralist civil society. In terms of social environment, an important prerequisite for a vibrant civil society is the space for public discussion of different perspectives. In terms of policy landscape, the participation of diverse voices of CSOs in the policy process through genuine collaboration between state and civil society is deemed crucial for a democratic process.

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<sup>1</sup> World Economic Forum, "The future role of civil society", (2013), available at [http://www3.weforum.org/docs/WEF\\_FutureRoleCivilSociety\\_Report\\_2013.pdf](http://www3.weforum.org/docs/WEF_FutureRoleCivilSociety_Report_2013.pdf) (Last accessed 07.01.2020)

<sup>2</sup> Taco Brandsen, Willem Trommel, Bram Verschuere, "The state and the reconstruction of civil society", *International Review of Administrative Sciences*, (2018), p. 677.

<sup>3</sup> Eva More-Hollerweger, Flavia-Elvira Bogorin, Julia Litofcenko, and Michael Meyer, "Civil Society in Central and Eastern Europe" (ERSTE Stiftung: 2019).

## State and Civil Society Interactions: From Information to Partnership

The involvement of CSOs in the different steps of the decision-making process varies based on the intensity of participation. There are four gradual levels of participation, from least to most participative. These are: information; consultation; dialogue; and partnership.<sup>4</sup>

### Unpacking the scale of cooperation between public institutions and CSOs [Council of Europe]

**Information:** Access to information is the basis for all subsequent steps in the involvement of CSOs. This relatively low level of participation should consist of a two-way mutual process between public authorities and CSOs of providing information and access to it.

**Consultation:** This is a form of initiative where the public authorities ask CSOs for their opinion on a specific policy topic or development. Consultation can be initiated by public authorities informing CSOs of current policy developments and asking for comments, views and feed-back. Consultation can also be initiated by CSOs in the form of public hearings or conference to which public authorities are invited to participate.

**Dialogue:** The initiative for dialogue can be taken by either party and can be either broad or collaborative. A broad dialogue is a two-way communication built on mutual interests and potentially shared objectives to ensure a regular exchange of views. It ranges from open public hearings to specialised meetings or formal co-operation arrangements between CSOs and public authorities. A collaborative dialogue is built on mutual interests for a specific policy development.

**Partnership:** A partnership implies shared responsibilities in each step of the process from agenda setting, drafting, decision and implementation of activities, and in its highest form it is based on co-management.

As the types of problems that policymakers attempt to solve grow more complex in a contemporary society, they are increasingly turning to consultations with civil society as a source of expert knowledge, channeling citizens' needs, and serving as legitimizing forces for policy decisions.<sup>5</sup> There are several barriers that hinder this in reality. For instance, the formulation of most policies is often based on political expediency, values, or ideology. Furthermore, political interests drive policy debates, and where consultation or evidence is used, it is often flawed. Additionally, policy makers also adopt models from other countries and policy transfer is also a widely used tool to introduce new policy.

The cooperation between public authorities and CSOs occurs beyond the institutional mechanisms in place and the cultural domain is also crucial in this sense. The cultural domain refers to shared norms, working practices, institutional memory, communication, and coordination. The level of cooperation is also dependent on external factors: the influence of the EU engagement and the overall accession process; 'peer influence' and civil society coalitions; media and public trust.

<sup>4</sup> Conference of INGOs of the Council of Europe. Code of Good Practice for Civil Participation in the Decision-Making Process. (CoE: 2009).

<sup>5</sup> Pérez-Solórzano Borragán, N., "Civil society and EU enlargement", in The Search for Europe: Contrasting Approaches, pp. 238-268, (BBVA: 2016)

## *Civil Society as Enabler in Driving Change: Quadruple Helix*

The roles that different stakeholders play in relation to civil society are blurred. Sources of social capital are changing in an increasingly global, hyperconnected and multi-stakeholder world.<sup>6</sup> Recognizing that no one sector can solve major societal challenges alone, these roles are increasingly carried out through engagement in partnerships and collaborative frameworks across civil society, and with stakeholders from business, government, and international organizations. The unique concept of civil society as “the space where we act for the common good” is expanding, given that civil society actors frequently play the role of enabler in driving change in collaboration with other stakeholders. The new paradigm of cooperation emphasizes the role of civil society in the ever-changing interaction model among the state, the business, and the civil society.

The quadruple helix model can be seen as an enhancement of the triple helix perspective that not only focuses on the actors from academia, government, and industry, but also recognizes the increased role played by the civil society.<sup>7</sup> When assessing the interaction between civil society and state, it is important to consider the wider spectrum of networked relations within the Quadruple Helix, because this recognizes the role of CSOs as enablers of change. The voices of society are in this way heard by including civil society in the knowledge exchange, which is paramount to policy formulation.

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<sup>6</sup> World Economic Forum, “The future role of civil society”, (2013), available at [http://www3.weforum.org/docs/WEF\\_FutureRoleCivilSociety\\_Report\\_2013.pdf](http://www3.weforum.org/docs/WEF_FutureRoleCivilSociety_Report_2013.pdf) (Last accessed 07.01.2020)

<sup>7</sup> Loet Leydesdorf, “The Triple Helix of University-Industry-Government Relations”, (2012), available at <https://www.leydesdorff.net/th12/th12.pdf> (Last accessed 30.12.2019).

# *Standards and Best Practices on Civil Society and Decision Makers' Collaboration*

## **Standards of Collaboration**

The international and European framework for collaboration between civil society and decision makers is constantly evolving. Key documents of the United Nations, Council of Europe, European Union, and OSCE-ODHIR serve as cornerstones to the collaboration between civil society and decision makers.

### **United Nations**

The UN Human Rights Council Resolution on Equal Participation in Political and Public Affairs from 2014 emphasizes the critical importance of equal and effective participation in political and public affairs for democratic governance.<sup>8</sup> Also, in the Resolution on Equal Participation in Political and Public Affairs adopted in 2015, the UNHRC notes the emergence of new forms of participation and urges states to ensure the full, effective and equal participation of all citizens in political and public affairs.<sup>9</sup> Moreover, the UNHRC Civic Space Resolution from 2013 stipulates that special importance should be given, among other measures, to the real and effective participation of the people in the decision-making processes.<sup>10</sup>

In addition, in 2014, the United Nations Human Rights Council published a Practical Guide for Civil Society, in which the principles framing the relationship between public authorities and civil society actors are outlined: Participation – Civil society's role in society is recognized, and civil society actors are free to act independently and advocate positions different from those of public authorities. Non-discrimination – All civil society actors are invited and enabled to participate in public life without discrimination of any kind. Dignity – Public authorities and civil society actors have the shared aim of improving lives, while performing different roles. Mutual respect is crucial to this relationship. Transparency and accountability – Acting in the public interest requires openness, responsibility, clarity, transparency, and accountability from public officials. It also requires transparency and accountability of CSAs to each other and the public.<sup>11</sup> Also, key conditions which underlie good practice include: conducive political and public environment, supportive regulatory framework, free flow of information, long-term support and resources, and shared spaces for dialogue and collaboration.<sup>12</sup>

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<sup>8</sup> UN Human Rights Council, Equal participation in political and public affairs: resolution / adopted by the Human Rights Council, 12 October 2015, A/HRC/RES/30/9.

<sup>9</sup> Council of Europe. (2016). 'Civil Participation in Decision-Making Processes, An Overview of Standards and Practices in Council of Europe Member States'. Available at <https://rm.coe.int/civil-participation-in-decision-making-processes-an-overview-of-standa/1680701801> [Last accessed on 01.02.2020].

<sup>10</sup> UNHRC, 27/31, 2014.

<sup>11</sup> OHCHR, 2014, p. 7.

<sup>12</sup> OHCHR, 2014, pp. 8-19.

## Council of Europe

The Council of Europe has introduced two key documents providing guarantees for civil society and decision makers' collaboration. First, the Convention for the Protection of Human Rights and Fundamental Freedoms protecting freedom of expression and freedom of assembly and association.<sup>13</sup> Second, the Code of Good Practice for Civil Participation in the Decision-Making Process (2009) that defines general principles, guidelines, tools, and mechanisms for active participation of CSOs in the decision-making process. The Code highlights that to foster constructive relationship, CSOs and decision makers should act based on the principles of participation, trust, accountability, transparency, and independence.

## European Union

The participatory approach of policy and law-making processes at the EU level is guaranteed in the Lisbon Treaty.<sup>14</sup> Among others, it prescribes that the right of citizens to participate in the democratic life of the Union (Article 8/A) and that decisions shall be taken as openly and as closely as possible to the citizen. Also, it provides that the institutions shall give citizens and CSOs the opportunity to participate in consultation process in an open, transparent and regular dialogue (Article 8/B). This is, then, implemented through the White Paper on European Governance adopted in 2001, which highlights five principles of 'good governance' in order to increase the legitimacy of the decision-making processes and the EC Principles and Minimum Standards for consultation of interested parties introduced in 2002. Regarding enlargement policy, the EU has published the Guidelines of the EU support for NGOs' development in the enlargement countries 2014-2020, which will be discussed in the section on strategic environment of CSOs in Albania.

## OSCE – ODIHR

The importance of the NGO participation in decision-making processes at all levels was also acknowledged by the OSCE-ODIHR –the Venice Commission Guidelines on Freedom of Association from 2015.<sup>15</sup> The Guideline highlights that freedom of association is a fundamental human right that is crucial to the functioning of a democracy and an essential condition for the exercise of other human rights.<sup>16</sup> The Guideline presents 11 principles: Principle 1: Presumption in favour of the lawful formation, objectives and activities of associations; Principle 2: The state's duty to respect, protect and facilitate the exercise of the right to freedom of association; Principle 3: Freedom of establishment and membership; Principle 4: Freedom to determine objectives and activities, including the scope of operations; Principle 5: Equal treatment and non-discrimination; Principle 6: Freedom of expression and opinion; Principle 7: Freedom to seek, receive and use resources; Principle 8: Good administration of legislation, policies and practices concerning associations; Principle 9: Legality and legitimacy of restrictions; Principle 10: Proportionality of restrictions; Principle 11: Right to an effective remedy for the violation of rights.<sup>17</sup>

<sup>13</sup> Council of Europe, 2016, p. 11

<sup>14</sup> Council of Europe, 2016, p. 17

<sup>15</sup> Council of Europe, 2016, p. 18.

<sup>16</sup> OSCE-ODIHR –Venice Commission, Guidelines on Freedom of Association, 2015. Available at <http://www.osce.org/odihr/132371?download=true>. (Last accessed 12.02.2020), p.5.

<sup>17</sup> OSCE-ODIHR, 2015, pp. 22-25.

## OECD

Also, the OECD has published two key documents: a background document on public consultation and guidelines on online public consultations. The background document on public consultation is one of the key regulatory tools employed to improve transparency, efficiency and effectiveness of regulation besides other tools such as Regulatory Impact Analysis (RIA), regulatory alternatives, and improved accountability arrangements.<sup>18</sup> It presents three important steps: notification, consultation and participation. The OECD guidelines on online public consultations promote a comprehensive and coherent progressive integrity framework that is applicable to all stages of the policy cycle.<sup>19</sup>

## Open Government Partnership

The OGP Articles of Governance (Addendum C) outline seven 'Guidelines for Public Consultation on Country Commitments': Availability of process and timeline; Adequate notice; Awareness raising; Multiple channels; Breadth of consultation; Documentation and feedback; Consultation during implementation.

# Models of Collaboration

## ***Participation in early stages of drafting policy and legislation***

To address the shortcomings stemming from limited participation of CSOs in decision making and particularly of involvement of CSOs at later stages of drafting policy and legislation, Estonia adopted a "Good Public Engagement Code of Practice" in 2012. This builds upon Government regulation on good legislative practice and legislative drafting (No. 189, 22.11.2011) and the "Good Practice of Involvement" of civil society and citizens.<sup>20</sup> This code has made the involvement of CSOs at early stages of drafting policy and legislation as well as impact assessment of such involvement compulsory.

The Code obliges drafters of policy and legislation to have a clear plan of involving civil society and interest groups "*by the time the Intention to develop the draft or the proposal to prepare a strategy document is sent for official consultation among ministries*" (Sub-article 3.1), which is the very early stage of drafting and well ahead of the actual consultation process. Also, the publication of the name and contact information of the person or unit responsible for the draft are made immediately public. The novelty here is that the consultation is carried out in two steps: when initiating a draft and when the draft has been developed. In addition, the consultation plan includes identification of key stakeholders, notification of intention to draft policy or legislations, timeline, channels of communication, consultation process and mechanisms once the draft is developed, feedback and follow-up ensured to CSOs and interest groups, and impact assessment of the consultation process.

<sup>18</sup> For more details visit <https://www.oecd.org/mena/governance/36785341.pdf>

<sup>19</sup> For more details visit <http://www.oecd.org/governance/ethics/OECD-Public-Consultation-Draft-Recommendation-on-Public-Integrity.pdf>

<sup>20</sup> For more details visit <https://heakodanik.ee/en/good-public-engagement-code-of-practice/> and <https://www.riigiteataja.ee/en/eli/508012015003/consolide>

## ***Follow-up and Feedback Mechanisms on Result of Consultation Process***

Drawing from the principle that consultation process is not simply about sharing information and organizing meetings, but it is an ongoing process of engagement, Great Britain updated the Consultation Principles in 2018. One of the key highlights is that government authorities must “publish responses within 12 weeks of the consultation or provide an explanation why this is not possible in very exceptional cases” (Point J of the Consultation Principles 2018)<sup>21</sup>. Furthermore, government authorities need to ensure appropriate time between closing the consultation and implementing policy or legislation. Also, consultation processes should not take place, unless absolutely necessary, during election periods due to ethical concerns.

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<sup>21</sup> For more details visit

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/691383/Consultation\\_Principles\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles_1_.pdf)

# STRATEGIC ENVIRONMENT

The civil society sector in Albania has made noticeable progress. Its expansion and diversification can be observed across areas and levels of intervention. Notwithstanding positive developments, this sector continues to suffer from issues of disproportionate distribution across the country, a domination of small CSOs, many of which are non-operational or struggling to survive on projects, underdeveloped capacities and infrastructure, and poor financial suitability.<sup>22</sup>

This section analyses the policy and social environment in terms of trends of shrinking space of civil society as well as the mission drift of CSOs in Albania and the fragmentation of CSOs operating in the centre vs periphery.

## *Shrinking Space of Civil Society*

At present, a tendency towards shrinking of the space of civil society in Albania is observed, which prevents CSOs from voicing the concerns of different communities and performing their watchdog role effectively.

CSOs meet with hurdles in fully exercising their functions of channelling citizens' concerns into policy processes through meaningful participation and genuine consultation mechanisms. As one of the interviewees from civil society sector pointed out:

*“This is the first time in many years that the state and public authorities are so unresponsive towards concerns expressed by civil society...there is actually very little deliberation, almost none at all. Considering that decision-makers do not react and do not engage in genuine dialogue with us, then it seems like our efforts go in vain” [workshop]*

Another indicator of shrinking space refers to the smear campaigns and negative image of CSOs in the public sphere, seeking to discredit and delegitimize the role and work of civil society in the country. Narratives of CSOs as ‘captured’, ‘bought’, ‘money-seeking’ and others are reproduced by politicians and the media as well. The 2019 Civil Society Organisation Sustainability Index points to cases of media criticism of CSOs for outcomes and results that are partially or even fully out of CSOs control. For instance, CSOs advocating for gender equality and fighting against gender-based and domestic violence are often blamed for being ineffective and for abusing funds whenever a related incident attracts media attention.<sup>23</sup> As one of the participants in the workshop noted:

<sup>22</sup> Elona Dhëmbo, “Albania”, p. 17 – “Civil Society in Central and Eastern Europe: Monitoring 2019” Edited by Eva More-Hollerweger, Flavia-Elvira Bogorin, Julia Litofcenko, and Michael Meyer, (ERSTE Stiftung: 2019)

<sup>23</sup> Civil Society Organisation Sustainability Index, 2019, p. 19.

*“We are perceived as the ‘evil ones’ and often portrayed as such, as if we care only of our projects and funds and do nothing for the real people” [workshop]*

Also, other interviewees pointed out that Albanian CSOs are often perceived as the vehicles of their founders and linked to political agendas and particular powerful vested interests. However, overall CSOs are trusted by more than half of Albanian citizens (57%), as reported in the Trust in Governance Poll in 2017 and 2018.<sup>24</sup>

Fundamental issues with the functioning of the rule of law in Albania, such as level of corruption, a culture of impunity, limited accountability and transparency, quality of justice, also affect the space of civil society and its opportunities to make genuine impact in policy and legislative processes. Legal and policy frameworks for enabling cooperation between public institutions and civil society are largely in place, but not yet adequate to provide for a conducive CSO environment. In addition, deficient implementation of these frameworks imposes restrictions. Law enforcement, timely approval of bylaws and regulations, and implementation remain a hindering factor for civil society participation and interactions with public authorities.

Furthermore, concerns about declining media freedom in Albania<sup>25</sup> shift the focus and add to the tendency of shrinking civil society space. In this case, CSOs and media fail to exercise their watchdog function and hold government accountable due to political influences and intimidation. In addition, Albanian media prioritizes coverage of political developments, with less interest paid to civil society.<sup>26</sup> Generally, CSOs have more access to local rather than national media. However, only few of them have developed productive relations with the media.

The trustworthiness of CSOs and their impact in strengthening substantial dialogue and genuine partnership with public institutions are inhibited by the capture of civic space by politics. This is a slow pace, under the radar process, but the end result is a space in which civil society and government are increasingly similar in their underlying logic and professional working culture, leaving CSOs equally disconnected from citizens and unable to ensure their trust and confidence. For instance, a growing number of CSOs advocate for transparency and good governance, but they show little progress in taking steps to make themselves more transparent.<sup>27</sup> The attempts of politics to capture civil space can be observed in the emergence of a shadow civil society comprised of politically affiliated CSOs. CSOs are not immune to corruption and clientelism, the hallmark of the Albanian system of governance. These politically affiliated CSOs that serve the government or those in power seek to shadow the genuine civil society and attempt to mimic its purpose and actions, which has the risk of creating an environment consisting mostly of government supportive CSOs and limiting the diversity in civil society.

In terms of the social environment, the migration and other demographic changes in Albania – ageing, depopulation of rural and peripheral areas, and brain drain– are expected to exert a strong pressure on the future of most CSOs in the country. Small CSOs and those in remote areas might be particularly affected by such demographic changes, which may leave them with a shortage of qualified human resources.

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<sup>24</sup> “Trust in Governance” Opinion Poll, Institute for Democracy and Mediation: 2018.

<sup>25</sup> Freedom House Report 2018, available at <https://freedomhouse.org/report/freedom-world/2019/albania> (Last accessed 17.02.2020)

<sup>26</sup> Civil Society Organisation Sustainability Index, 2019, p. 19.

<sup>27</sup> Civil Society Organisation Sustainability Index, 2019, p. 20.

## Mission Drift of CSOs

Generally, donors (European Union and similar entities) are perceived as the most supportive agents towards the development of the civil society sector. Regardless donors' contribution in driving the development of civil society sector, shortcomings can be observed, notably in the installation of a culture of donor dependency, followed by mission drift of CSOs.

CSOs face mission drift, implying that they respond to donors' agendas and not necessarily to their own mission. In other words, more often than not, CSOs act as consultants with very limited impact in actual social, political, and economic transformation. The harsh competition for funding has often led CSOs to imitate models and to neglect the needs they are intended to serve. Moreover, financial sustainability concerns often hinder the ability of CSOs to set long-term strategies and action plans that help achieve their mission. According to the 2018 Civil Society Sustainability Index, *“while well-established CSOs tend to have clearly-defined visions and missions, local CSOs struggle to develop well-defined missions, instead adopting broad ones in order to be eligible for more sources of funding”*.<sup>28</sup> In any case, few organizations have in place strategic plans and even if they do, it is unclear whether the actual decision-making is based on these strategic plans.

CSOs have limited organizational capacities to respond promptly and effectively to the legislative and policy process through advocacy, provision of expertise, participation in public consultation, hearings and other interactions with public institutions due to a variety of reasons among which financial sustainability is key. This hinders the efforts of CSOs to maintain permanent staff, structures and processes dedicated to interaction with public institutions and fulfilling their mission. Rather, they orient their entire operations towards funding possibilities. CSOs engage staff based on projects and are forced to let them go once the funding is ended. Civil society engagement is critical but civil society generally has insufficient capacities and resources to make significant impact except for a few well-established CSOs.

## Fragmentation of Civil Society: Centre vs Periphery Gap

On the positive side, the overall number of CSOs outside Tirana have increased over the past five years. The increase in quantity has not, however, resulted necessarily in improved quality of the sector. While there has been some progress with the CSOs growing relatively well in Tirana, the organizations outside the country's capital city lack the institutional capacity to develop, fundraise, monitor, and lobby adequately for their work. Often, the social capital at these CSOs is limited and the membership small.<sup>29</sup>

*“It is important to be wary of the differences in capacities and resources of CSOs at central level compared to the more peripheral ones. Due to such limitation in the periphery, CSOs are not equipped with the necessary skills and resources to interact with the public institutions” [Workshop]*

<sup>28</sup> Civil Society Sustainability Index 2017, available at <https://www.fhi360.org/sites/default/files/media/documents/resource-civil-society-organization-2017-regional-report.PDF> (Last accessed 12.02.2020).

<sup>29</sup> Ibid.

The centre vs periphery gap can be also observed in terms of capacities to absorb funding and successfully implement projects.<sup>30</sup> While CSOs at the local level have stronger connection to the communities, they have considerable limitations in terms of adequate structures, resources, and competences to interact in a sustainable and meaningful manner with decision-makers. The financial sustainability of grassroots and local CSOs at peripheral level remains a challenge.

While the overall advocacy of civil society sector has improved, CSOs outside of the capital are struggling. Organizational capacities and internal governance are often weak. Advocacy capacities at the local level continue to be underdeveloped and require further support and strengthening.<sup>31</sup>

## *Civil Society (Dis)Connecting with Communities*

The credibility of CSOs and their image in the public sphere is interconnected with the nature and degree of connection of CSOs with their support base and local communities. In Albania, CSOs often have weak connections with the grassroots and support base, thus failing to represent them and channel their concerns and interests into policy development. The weak connections can be explained by the limited financial viability of CSOs and their project-based operation. The engagement of CSOs with their support base and communities is usually discontinued once the project ends and the funding is over. Subsequently, the circle of trust between CSOs and their support base in communities are broken as CSOs fail to live up to their commitments and overall mission.

Such limited sustainable ties between CSOs and their support base and communities affect also the standing of CSOs vis-à-vis public institutions. Politicians, in particular, exploit the situation to delegitimize the standing of the civil society sector in consultation processes portraying them as unfit to voice citizens' concerns and featuring no real connection to them. This practice leads to smear campaigns or negative narratives against CSOs and, therefore, close up their space and opportunities to participate in the decision-making.

## *Coalition Building and Networking of CSOs*

Without strategic coalition building, networking and coordination among CSOs, their impact in legislative and policy processes is limited. In Albania, CSOs oftentimes do not coordinate, show more competitiveness than cooperation, do repetitive work, and ultimately are not taken seriously by the public authorities. This is also observed when attempting to produce a joint stance on particular issues. There are difficulties in creating networks that function on mutual trust, regardless of the diversity of opinions. Major civil society theorists have argued that horizontal networks of communication and collaboration are essential for a vibrant civil society. CSOs themselves have acknowledged the importance of networks among them, as they provide

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<sup>30</sup> Civil Society Organisation Sustainability Index, 2019. Available at <https://www.fhi360.org/resource/civil-society-organization-sustainability-index-reports> (Last accessed 11.02.2020).

<sup>31</sup> Mapping and assessment of civil society organizations' networks in Albania, Assessment Report, 2019, Partners Albania for Change and Development.

opportunities for them to share information and material resources. Donors have often supported CSOs' coalition-building efforts as well. One reason is to prevent project duplication and to scale up the impact of their assistance.

## *Vibrant Civil Society as Integral Component of European Integration*

The promotion and support for CSOs has been at the core of the EU's enlargement strategy since the 1990s<sup>32</sup>. The EU affirms the important role of civil society in democratic governance in its enlargement policy by stating that "*when it comes to the rule of law and fundamental rights, including freedom of expression and association and minority rights, it can create demand for enhanced transparency, accountability and effectiveness from public institutions and facilitate a greater focus on the needs of citizens in policymaking*".<sup>33</sup>

In the absence of an EU Acquis on civil society, the EU has introduced 'Guidelines for EU Support to Civil Society in Enlargement Countries 2014-2020', aiming to encourage candidate countries, such as Albania, to make legislation conducive for civil society, promote the involvement of civil society in the pre-accession process, and provide a framework for monitoring and evaluation of the results achieved with the EU assistance.<sup>34</sup> Currently, a similar strategic document for the upcoming 2021-2027 period is being prepared (BCSDN, 2020). Many CSOs in candidate countries are now arguing that this new document needs to be an official document of the EC and not simply a programming document in order to have more political leverage to encourage governments and EU alike to support and monitor the development of civil society and its enabling environment (BCSDN, 2020:4). Notwithstanding the modality of the new guidelines, the EU's civil society strategy will continue to focus on consolidating an enabling environment and strengthening the capacity of CSOs to be effective and accountable, independent actors.

In the context of Albania, the EU has used both political and financial instruments to implement its civil society strategy, firstly by encouraging the Government of Albania (GoA) to make legislation more enabling for civil society (Roadmap for the Government Policy towards an Enabling Environment for the Development of Civil Society, revised 2019-2023) and to promote the involvement of civil society in the pre-accession process (National Council of European Integration). Regarding the political instrument, the European Commission annual reports on Albania include a section on reviews of the state of civil society. The report has echoed over the years the stance of the EC that "*an empowered civil society is a crucial component of any democratic system and should be recognised and treated as such by the state institutions*".<sup>35</sup>

In the past two years, the report has confirmed that Albania's legal and regulatory framework on the right of freedom of association is generally in line with international standards and that the 2014 Law on Public Consultation is in line with European standards. The 2019 Report recognised that consultation of civil society in legislative and executive processes has increased.<sup>36</sup> However, the report stressed that these consultation processes need to be more systematic, transparent and with adequate time frames at the central and local levels. In

<sup>32</sup> Pérez-Solórzano Borragán, 2016

<sup>33</sup> European Commission 2013, p. 1.

<sup>34</sup> Ibid.

<sup>35</sup> European Commission. (2018). Report: Albania. Available at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-albania-report.pdf> . [last accessed 09.02.2020], p.11.

<sup>36</sup> European Commission, 2019, p. 11.

addition, it points to the fact that civil society participation in decision-making still remains occasional.

## *Donors Supporting Civil Society and Decision-Makers' Collaboration in Albania*

European Union is recognized as a major donor in supporting civil society collaboration with decision makers. Funding is available through the Instrument for Pre-accession Assistance (IPA) with the main instrument being the Civil Society Facility, but also Technical Assistance and Information Exchange Instrument of the European Commission (TAIEX). Albania' CSOs can access EU-level project funds such as Europe for Citizens Programme, fostering European citizenship and to improve conditions for civic and democratic participation.<sup>37</sup> In addition, these CSOs can access European Instrument for Democracy and Human Rights (EIDHR) and IPA Cross-Borders Cooperation various instruments.

A National Resource Centre for Civil Society was established in Albania in 2019 with the support of EU as a platform for civil society at the national level to support its capacity building, policy dialogue, and advocacy efforts for an enabling environment.

The Swiss Development Cooperation Agency is another key donor in this area. The overall goal of the Swiss cooperation strategy in Albania 2018-2021 is to contribute to a functioning democracy, improved public services, and to an inclusive, competitive market economy in support of Albania's European integration. One of the most important assistance projects in this regard is "LevizAlbania", particularly in terms of engagement of civil society in local governance.

The Embassy of The Netherlands to Albania also provides financial and technical support to CSOs, particularly through its MATRA Programme that aims to furthering a plural democracy, grounded in the rule of law, with room for dialogue between the government and civil society; building capacity and strengthening the institutions of civil society and government, and strengthening bilateral relations. The rule of law is a primary focus and a regional network has been established. Other EU member states agencies, such as the German GIZ and Swedish International Development Cooperation Agency, provide support to civil society development in Albania, particularly to CSOs outside the capital.

The United States Embassy in Albania provides financial support to civil society through its Democracy Commission Small Grants Programme, particularly in areas of anti-corruption, good governance, human rights, and empowerment. Also, USAID/Albania provides financial or technical support, or a combination of both to CSOs in the area of democracy and human rights with a particular focus on transparency and accountability.

Other international donors offering direct support to CSOs in Albania include the British Embassy and the British Council, various programmes of UN agencies (UNDP, UNWOMEN etc.), OSCE Presence, foreign foundations, such as Konrad Adenauer Stiftung, Friedrich Ebert Foundation, Hans Siedel Stiftung, Open Society Foundation for Albania, and other agencies.

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<sup>37</sup> Europe for Citizen Programme Guide 2019, p. 5.

# ASSESSMENT OF LEGAL FRAMEWORK: GOVERNMENT-CSO COOPERATION

The assessment of the Albanian legal environment for enabling CSO engagement and participation in the decision-making process is based on international standards and guidelines. The documents consulted include comprehensive guides and documents such as the United Nations' *A Practical Guide for Civil Society: Civil Society Space and the United Nations Human Rights System* and the Council of Europe's *Guidelines for Civil Participation in Political Decision-Making*, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Council of Europe's recommendation on the 'Legal Status of Non-Governmental Organizations in Europe'. The Albanian legislation is assessed based on the following principles:

- a. Transparency and free flow of information
- b. Supportive regulatory framework for CSO participation
- c. Enabling legislation for CSO institutional operations
- d. Enabling socio-political environment to participate in public affairs.

**Transparency and free flow of information** refers to the openness of public institutions and the accessibility of information by CSOs and the general public. The institutions regularly publish information on their organizational structure, policy agenda, and decisions made. They provide the information requested in a timely manner and do not engage in arbitrary practices to restrict access to information.

A **supportive regulatory framework for CSO participation** is broadly understood as a range of laws and regulations codifying and systemizing the participation of CSOs at different stages of the policymaking cycle – from agenda-setting to monitoring and evaluation – based on the principles of freedom of thought, speech, assembly, association, and the right to participate in public affairs.

In addition to enabling CSOs participation in decision-making, the regulatory framework ought to **enable the institutional operations of CSOs**. Public authorities must not enact legislation which might discriminate against the scope or nature of the activity of a CSO – provided the activity is based on democratic means – or place undue membership, registration, or fiscal criteria, which may impede the establishment of CSOs or their financial sustainability, or which can serve as indirect means by public authorities to influence the work of CSOs.

Government policy – through its regulatory framework and policy documents – ought to have provisions for effective participation and engagement of CSOs in the decision-making process, thus leading to an **enabling socio-political environment for CSOs to participate in public affairs**.

## *Transparency and Free Flow of Information*

Transparency of Albanian public institutions is regulated by Law No. 119/2014, 'On the Right to Information.' The law provides transparency requirements for public authorities, provisions for freedom of information (FOI) requests, and for monitoring mechanisms. It obliges public authorities to publish their organizational structure; full text of conventions, legislation, rules and regulations governing their work; policy documents; budget, expenses, and procurement records; and FOI request and complaint forms. In addition to the FOI request and complaint templates, public authorities are required to have a coordinator for the right to information who serves as an institutional contact point to whom requests, and complaints are communicated. There are clear deadlines for the public authorities to provide the requested information. If a public authority fails or refuses to provide the requested information without reason, the person requesting the information has the right to file a complaint with the Commissioner for the Right of Information and Personal Data Protection, who may fine the public authorities or force them to release the information.

Public authorities may withhold information, however, if it is related to or adversely affects national security, trade secrets, personal data, copyright, intergovernmental relations, monetary and fiscal policies, ongoing criminal or administrative investigations, and intra-governmental consultations for the development of public policies. Despite the restrictions, the law states that information may not be withheld if a higher public interest demands it be made public. The 'public interest' provision, however, is undefined thus proving public institutions substantial latitude to legally restrict or deny information.

## *Supportive Regulatory Framework for CSOs' Participation*

The central piece of the legislative framework to enable CSO participation in decision-making is Law No. 146/2014 "On Public Notification and Consultation." It regulates the public consultation process by outlining the responsibilities of public institutions to enable the contribution of the public, civil society organizations, and other interest groups in the decision-making process for laws, national and local strategic documents, and other public policy issues.

The law has clear provisions to ensure that public institutions implement a transparent and timely consultation process. The institutions must provide background information for the draft policy document explaining the need for the document, rationale for draft, and other relevant information. Inputs must be provided within 20 days from the announcement for consultation. They may be submitted through a dedicated online public consultation portal or via e-mail. Additionally, public hearings may be organized by the public institution interested in gathering inputs through direct discussions. While public institutions are obliged to start a consultation process after having drafted a policy document, it is optional for them to start a consultation process to gather inputs before drafting the document.

After the consultation process, the new draft document must include a report on the recommendations accepted. Those rejected should be argued and made public via e-mail or publication in print or electronic media. There are several exemptions from the consultation

process. The exemptions relate to decision-making on national security issues which are classified, international agreements, individual administrative acts, normative acts with legislative power of the Council of Ministers, civil emergency, and other issues defined by law as exempt. Furthermore, while CSOs may engage in consultations after the draft policy document has been prepared, there are no provisions to enable consultations prior or during the drafting process.

Meanwhile, the Albanian Assembly's consultation and recommendation procedures are broadly based on the legal requirements of the Law on Public Consultation, but they are based on their "*Manual i Pjesëmarrjes së Publikut në Procesin Vendimmarrës të Kuvendit*" (*Manual for Public Participation in the Decision-Making Process of the Assembly*). The communication between CSOs and the Assembly's committees is facilitated through a parliamentary coordinator. The recommendations provided by CSOs must be included in the final committee report for a bill. Additionally, CSOs may submit petitions to the Assembly (the Speaker), which are then forwarded to the relevant committees for consideration. Despite these provisions, there are a few shortcomings in this regulatory framework which undermine CSOs' effective and transparent contribution to the legislative process.

The Assembly may invite experts from academia and civil society or other interest groups in committee hearings but is not obligated to do so.<sup>38</sup> The parliamentary committees decide to invite CSOs based on their activities and expertise. CSOs not invited may submit a formal request to take part in a hearing. The committee may decide either to accommodate the request or not. The Manual, however, does not outline the conditions under which it may deny such a request except for cases where the request is not clear.<sup>39</sup> There is also a lack of clarity concerning the procedures for the submission of written recommendations. Recommendations may be considered by the parliamentary committees if they are submitted within ten days from the publication of a bill on the Assembly's website. Another deadline, however, complicates the process: namely, the requirement to submit the recommendations at least three days before the hearing.

The Manual and the Regulation of the Assembly do not specify how far from the publication of the bill is the hearing held. The ten-day limit for the submission of recommendations would suggest that the hearing is held a few days after that period, but the requirement to submit the recommendations no later than three days before the hearing suggests that there is not a strict requirement to have a hearing ten days after the bill's publication. Otherwise, if this were the case, then CSOs would need to submit their recommendations within seven, not ten, days after the bill's publication. Similarly, regarding petitions to the Assembly, the Manual does not specify a deadline within which the Speaker is to forward the document to the Chair of the Committee; it only sets a deadline of 45 days that the Chair is to present the petition to the Committee for consideration.

## *Enabling Legislation for CSO Activities*

The registration and operation requirements for Albanian CSOs are regulated by Law No. 8788/2001, (amended in 2007 and 2013) "On Non-Profit Organizations." The law broadly follows

<sup>38</sup> Albanian Assembly, "Rregullorja e Kuvendit të Republikës së Shqipërisë (Regulation of the Assembly of the Republic of Albania)," <https://www.parlament.al/Files/sKuvendi/rregullorja.pdf>.

<sup>39</sup> Albanian Assembly, "Manual i Pjesëmarrjes së Publikut në Procesin e Vendimmarrës të Kuvendit (Manual for Public Participation in the Decision-making of the Assembly)," [https://www.parlament.al/Files/Informacione/manuali\\_i\\_azhornuar\\_21298\\_1.pdf](https://www.parlament.al/Files/Informacione/manuali_i_azhornuar_21298_1.pdf).

international standards but includes provisions which are not conducive with the principle of an enabling environment for CSOs to operate free of restrictions or government interference.

The Council of Europe's recommendation on the "Legal Status of Non-Governmental Organizations in Europe" establishes guidelines and basic requirements for CSO statutes. The requirements for statutes include the name and objectives of the organizations, its powers, highest governing body, procedure through which meetings are convened, procedure for approval of financial and other reports, and the procedure for changing the statute. In the Albanian case, the law establishes additional requirements for non-profit organizations including asset management procedures, procedures to elect/appoint governing bodies, membership rules and regulations, and rules on membership fees. It further requires that CSOs have either the board of directors with no less than three members – in the case of non-membership organizations – or the general assembly – in the case of membership-based organizations – as their highest governing body (Articles 19 and 24). Through Article 20, it outlines clear obligations for the highest governing body, such as deciding on statute amendments, establishing program areas, budget approval, and financial administration. Article 22 requires an executive body to be responsible for daily operations.

By obligating organizations to have legally binding internal governing bodies and by designating legally binding functions of those bodies, they could prevent small CSOs from being established as legal entities and may be used by the government to take legal action against CSOs which fail to meet the legal requirements.

Regarding fiscal sustainability, Article 36 of the Law on Non-Profit Organizations allows CSOs to engage in economic activities provided that the earnings are used to pursue the non-profit objectives of the organization. Law No. 92/2014, "On the Value Added Tax in the Republic of Albania", does not exempt such economic activities from the VAT, but it does so for membership fees, funds, grants, and donations from taxation.<sup>40</sup>

## *Enabling Socio-Political Environment for Participation in Public Affairs*

To support the development of CSOs and to establish a sustainable institutional cooperation between the Albanian government and CSOs, two laws have been enacted: Law No. 10093/2009, "On the Organization and Functioning of the Agency for the Support of Civil Society" and Law No. 119/2015 "On the Establishment of National Council for Civil Society."

The primary objective of the Agency is to channel funds from the government and donors to CSOs through calls for grants. It is governed by a 9-member supervisory board – five of whom are civil society members while the other four government officials appointed by the Council of Ministers. The board establishes the priority areas for grant-making while the Executive Director leads and manages the grant-making process. There are no clear legal criteria for the appointment of the members of the supervisory board and the Executive Director, who is appointed by the supervisory board. Furthermore, the Agency employees do not enjoy civil servant status according to the law, despite a provision in the Agency's regulation to the

<sup>40</sup> For more information on the fiscal challenges of Albanian CSOs, please refer to Juliana Hoxha, Anora Topi, and Klotilda Tavani, *Trajtimi Fiskal i OJF-ve: Vlerësim i Kuadrit Ligjor për Organizatat Jofitimprurëse në Shqipëri dhe Zbatimi i Tij në Praktikë* (Tiranë: Partners Albania for Change and Development, 2018), [http://partnersalbania.org/wp-content/uploads/2018/07/Trajtimi\\_fiskal\\_i\\_OJF-ve.pdf](http://partnersalbania.org/wp-content/uploads/2018/07/Trajtimi_fiskal_i_OJF-ve.pdf).

contrary.<sup>41</sup> Concerning access to public funds, the law in itself is non-discriminatory. However, Decision of Council of Ministers No. 1679, date 24.12.2008, “On the Criteria and Procedures to Establish the Status of Non-Profit Organizations as Eligible for Public Funding,” determines that a non-profit organization may apply to gain eligibility for public funding status only if it is working in the sector of education, public health, and economic development with the objective of providing services to persons in need.

The National Council for Civil Society has been established to facilitate the institutional cooperation between the GoA and CSOs to draft and implement the National Strategy and the Roadmap of the Albanian government for creating an enabling environment for civil society, improved cooperation between government institutions and civil society organizations, and for the promotion of philanthropy and financial support for CSOs. The National Council has 27 members: 13 government officials, 13 representatives of CSOs, and one representative from the National Economic Council. CSOs are to choose their representatives from three areas of engagement: a. democracy, rule of law, human rights and EU integrations; b. economic, territorial, and environmental development; c. social welfare. The selection criteria and procedures are to be determined in the internal regulation for the operation of the National Council. The Regulation on the Organization and Functioning of the National Council for Civil Society, approved on 26 December 2017, thus more than one year after the entry into force of the law, does not outline the selection criteria.

The laws to establish the Agency for the Support for Civil Society and the National Council for Civil Society lack the legal criteria, which would create greater transparency and effectiveness in their work. The lack of legal selection criteria of the advisory board members and the executive director, as well as the lack of a legal requirement for the Agency’s employees to be civil servants, make the only public grant-making institution for civil society prone to political control and civil society subject to political co-optation. Similarly, the National Council has failed to outline the selection criteria for civil society representatives in its internal regulation. The Council started a consultation process with CSOs from 15 January until 15 February 2019 – more than three years after the entry into force of the law – to determine the selection criteria of the CSO representatives. On 19 April 2019, it adopted a decision determining the selection criteria, but is yet to be included in its Regulation on the Organization and Functioning of the National Council for Civil Society, as per the relevant legal requirements.<sup>42</sup>

Plans to address some of the legal shortcomings are included in a list of priorities, which are part of the Roadmap for the Government Policy towards an Enabling Environment for the Development of Civil Society 2019-2023 (revised).<sup>43</sup> This roadmap was recently approved after the first one, approved in 2015, largely failed to be implemented.<sup>44</sup>

<sup>41</sup> Agency for the Support of Civil Society, “Rules of Procedure of the Agency for the Support of Civil Society” (Albanian) [http://www.amshc.gov.al/web/doc/ligjore/Rregullore\\_e\\_AMSHC.pdf](http://www.amshc.gov.al/web/doc/ligjore/Rregullore_e_AMSHC.pdf)

<sup>42</sup> Këshilli Kombëtar për Shoqërinë Civile (National Council for Civil Society), Decision No. 1, dated 14.01.2019, “On the Notification of the Consultative Meetings with CSOs on Determining the Selection Criteria for the New Members of the National Council for Civil Society,” <https://drive.google.com/drive/folders/1Fq4rscdcesNwDEq5jThzph1SR3zoMcU0>; Këshilli Kombëtar për Shoqërinë Civile (National Council for Civil Society), Decision No. 1, dated 19.4.2019, “On the Determination of the Selection Criteria for the Candidates, Nomination and Voting Procedures, and the Selection Phases for Four Representatives of Civil Society for the National Council for Civil Society,” <https://drive.google.com/file/d/1A2qx2J7MrvH97H4t8NvtqRbwCgOBEM8X/view>; Këshilli Kombëtar për Shoqërinë Civile (National Council for Civil Society), “Regulation on the Organization and Functioning of the National Council for Civil Society,” <https://drive.google.com/file/d/1xOY3QQRybRIK0EVimImS8loJH6ab00XJ/view>

<sup>43</sup> Decision of the Council of Ministers No. 539, dated 25.7.2019, “On the Approval of the Roadmap for the Government Policy Towards an Enabling Environment for the Development of Civil Society 2019-2023, as Revised,” <http://www.amshc.gov.al/web/doc/Udherrefyesi-2019-rishikuar.pdf>.

<sup>44</sup> Juliana Hoxha, Klotilda Kosta, and Kostandina Këruti, “Monitoring Matrix on Enabling Environment for Civil Society Development: Country Report for Albania, 2018-2019,” Partners Albania for Change

The Roadmap activities focus also on the necessity to publish CSO recommendations in the dedicated online consultation portal and the development of a methodology for the yearly reporting on the outcomes of public consultations. These activities underscore the government's own admission that the Law on Public Consultations – central to enable CSO contribution – is not fully implemented more than five years after its entry into force. In addition, the Roadmap attempts to improve CSO participation within the framework of the National Council for European Integration.<sup>45</sup>

The National Council for European Integration's membership includes MPs, representatives from the cabinet of the President and of the Prime Minister, foreign affairs ministry, the General Prosecutor, the Ombudsman, and three civil society representatives. The Council's mandate is to advise the Assembly on issues related to EU integration through formal recommendations and produce yearly reports on its activities. Its role on influencing the integration agenda, however, has been rather unsubstantial as it has produced no specific recommendations to date.<sup>46</sup>

Considering the persistence of significant shortcomings in the legislation almost five years after their entry into force and the lack of standardized functioning of CSO-government bodies, the socio-political environment enabling CSO contribution is in urgent need for improvement which could be sought through legal amendments and greater conceptual and institutional changes regarding the role of civil society in policymaking.

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and Development, <https://partnersalbania.org/publication/monitoring-matrix-on-enabling-environment-for-civil-society-development-country-report-for-albania-2/>.

<sup>45</sup> Law no. 15/2015 "On the role of the Assembly in the process of integration of the Republic of Albania in the European Union," [https://www.parlament.al/Files/Integrimi/ligji\\_15-2015-1.pdf](https://www.parlament.al/Files/Integrimi/ligji_15-2015-1.pdf).

<sup>46</sup> See yearly reports and minutes from the meetings. As per the law no. 15/2015 and the "Regulation of the National Council for European Integration," the National Council is to meet at least twice a month and draft and approve recommendations on the issues related to the integration agenda. The importance of recommendations has been highlighted in the Regulation by including it as a key point in meeting agendas. Albanian Assembly, "Rregullorja e Këshillit Kombëtar të Integrimit Evropian (Regulation of the National Council for European Integration), [https://www.parlament.al/Files/Integrimi/Clibri-kryetariRregullore\\_KKIE-finale.pdf](https://www.parlament.al/Files/Integrimi/Clibri-kryetariRregullore_KKIE-finale.pdf); Albanian Assembly, *Këshillit Kombëtar të Integrimit Evropian*, <https://www.parlament.al/DokumentalIntegrimi?integrimId=7>.

# ENABLING STRUCTURES AND PROCESSES FOR CSOS AND DECISION- MAKERS' COOPERATION

## *Current Patterns of Cooperation in Public Institutions*

### ***Parliament and CSOs***

The procedures of collaboration between Parliament and civil society are set out in the “Manual of Public Participation in the Decision-Making Process of the Parliament”. The Parliament has an Electronic Civil Society Register and Registry of Lobbyists. Interested CSOs can register online. The Parliament has two dedicated staff: one is the Coordinator for the Right to Information and one is the Coordinator for Civil Society and Interest Groups.

One of the mechanisms for participation of civil society and interest groups in the legislative process is the publication of a calendar of proceedings and the related activities of parliamentary committees. This is done through the website of the Parliament, notification in print and visual media as well as through an internal communication network. The website of the Parliament is regularly updated with information regarding the work of the Parliament and its committees, including the text of the submitted draft laws, together with their rationales; calendar of the work of the standing committees and the progress of the review of draft laws; the text of the amendments submitted to the committees and amendments adopted; reports of the parliamentary committees reviewing the draft law; minutes of the Conference of Chairmen, committees and councils; and minutes of plenary sessions.

Public hearings of parliamentary committees constitute a key mechanism of interaction with the civil society and other interest groups. They can be initiated by the committee or with the expression of interest by CSOs. Although the procedures are clearly defined in the manual and in the Parliament website, the process is not without its drawbacks, as CSOs requesting to

attend a hearing need to justify in writing and with proper justification the reasons for their participation. It is up to the Chair of the Committee to select the final list of CSOs for public hearings. Although the reasons for selection of CSOs are formally related to the expertise of CSOs, the impact of the draft-law and the public interest often serves as an instrument to be selective with the CSOs in public hearings, thus excluding the most critical voices. The public hearings manual itself recognizes such challenge when stating that *“Identifying stakeholders is a challenge for the current practice of consultation process used by the Parliament, in the context of a highly developed civil society in number and quality”*.<sup>47</sup> Finally, the Parliament has now a list of 51 registered lobbyist and all of them are CSOs. However, there is no legislation regarding the functioning of lobbying in Albania.

In terms of transparency, the Parliament publishes an annual report on the public participation in decision-making. The report is a suitable tool towards meaningful transparency of the work of Parliament and its committees. For instance, in 2018, 395 CSOs and interest groups, represented by 354 participants, out of which 238 males and 229 females, participated in the activity of committees, subcommittees and other parliamentary activities.<sup>48</sup> Other transparency mechanisms include cooperation with universities. In October 2018, the Parliament of Albania signed a series of agreements with 23 universities whose aim was to promote parliamentary transparency and to improve the public perception and knowledge of the duties of the Parliament.<sup>49</sup>

The Parliament’s human capacities are relatively limited and are often a cause for delayed publication of relevant information and documents online. Committees and MPs point out that there is a need to strengthen the human resources that support the work of the Parliament with regard to interaction with the civil society and enhance their professional capacities.<sup>50</sup> CSOs do see an improvement of their relations with the Parliament in terms of transparency and to a certain extent this improvement was due to the “pressure [CSOs] provided to improve the relationship”.<sup>51</sup> According to the experts, while progress has been slow, success in improving cooperation has been a result of the interaction of media outlets as a pressure tool, good quality work by CSOs, expertise and commitment, mutual interest, building trust, and impartiality.<sup>52</sup>

## **Line Ministries and CSOs**

Line ministries have structures and procedures for public consultation and collaboration with civil society in place. This study finds that line ministries operate within a minimal standard requirement as deriving from the laws on the right to information and public consultation and are not fully embedded in the working culture of these institutions. The mechanisms used more often for consultation with the civil society are online publication of draft policies, strategies and acts; open call for recommendations from interest groups; and organisation of consultation meetings. However, the observed line ministries did not use any specific internal manual for public consultation and do not publish annual reports regarding the collaboration with CSOs.

The Transparency Programme section in the official websites of the observed ministries includes very formal and basic information of the Programme, but no actual data to showcase the progress or challenges in this area. This study also finds that observed line ministries do not

<sup>47</sup> Manual of public participation in the decision-making process of the Parliament, approved by the Parliamentary Bureau, Decision No. 17, Dated 11.11.2014, available at [https://www.parlament.al/Files/Informacione/manuali\\_i\\_azhornuar\\_21298\\_1.pdf](https://www.parlament.al/Files/Informacione/manuali_i_azhornuar_21298_1.pdf) (last accessed on 09.01.2020), p.18

<sup>48</sup> Annual report on public participation in decision-making for 2018, p.3

<sup>49</sup> Ibid, p.35.

<sup>50</sup> Interview with Members of the Parliament 1 and 2.

<sup>51</sup> Interview with civil society representative 2.

<sup>52</sup> Ibid.

have a consultation plan. Indeed, these ministries use occasional and ad hoc consultation processes.

## ***Local Government and CSOs***

Based on the observed local government units, there has been some positive change in terms of interaction with civil society, particularly regarding organization of regular public consultations at municipality level and participatory budgeting, both supported primarily through donor-funded projects. The observed LGUs have some structures and procedures in place for public consultation, albeit they are not fully institutionalized and embedded in their working procedures. Generally, the observed municipalities do not have dedicated staff for collaboration with CSOs. Also, the coordination for the right to information is a secondary function, which is vested to a municipal employee in addition to other duties.

Municipal councils face more challenges in this regard, as they lack administrative and supporting staff and have, therefore, very limited capacities to conduct public consultation and particularly to follow up on them. In addition, municipalities do not have dedicated budget for developing collaboration with CSOs and, in some cases, funds are made available as co-sharing with donors; hence, collaboration between local government and civil society usually happens in light of projects funded by third parties.<sup>53</sup> According to municipality officials, cooperation specific to particular projects have been positive, but with limited efficiency, for the municipality given that this cooperation is not guaranteed for the future as long as it only lasts for the duration of the project.<sup>54</sup>

Despite notable constrains, progress has been made regarding public participation in local government. Various projects are supporting, on one hand, the local government to develop its capacities for further transparency and, on the other hand, grassroots organizations and the public at large at the local level to hold the government accountable. The challenge remains on how to ensure sustainability of these project results so as the structures and procedures of public consultation are embedded within the competencies of the municipality and its council.

## ***Independent Institutions and CSOs***

The observed independent institutions (Ombudsman, Commissioner on the Right to Information and Personal Data Protection, and the Commissioner for the Protection from Discrimination) report high levels of collaboration with civil society organizations, including consultation, projects and numerous activities and awareness raising campaigns. There is a continuous collaboration between the Commissioner for Information and Data Protection (IDP) and CSOs to ensure that not only CSOs but also interested citizens are provided with the information and data they request from the Albanian public institutions. Conferences are held to discuss initiatives, which either seek to raise awareness on the legal right to request information from public institutions or to discuss potential issues encountered by the civil society actors as they pursue that right. There has been a strong partnership between the Right to Information and Personal Data Protection Commissioner and CSOs in the framework of various projects, amongst others STAR II, which address transparency and the implementation of the provisions of the Law on the Right to Information at the local level. The IDP Commissioner has also cooperated with CSOs to uphold their right to request and obtain information from public institutions by taking a number of cases to court.

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<sup>53</sup> Interviews with municipality official 1, municipality official 2, and municipality official 3 (all municipalities attested to the fact).

<sup>54</sup> Interview with municipality official 2

Also, the Commissioner for the Protection against Discrimination has developed ongoing partnership with civil society and maintains a daily communication with CSOs on issues pertaining to protection against discrimination. Examples of positive cooperation with civil society include roundtables and awareness raising campaigns that have been jointly organized and promoted. In addition, joint projects are also implemented in cooperation with CSOs.

This study also finds an established partnership between the Ombudsman and civil society organizations. An important instrument of cooperation is the signing of a Memorandum of Understanding between the Ombudsman and CSOs for protection of human rights. Another crucial component of partnership is the access of CSOs to the mandate of the Ombudsman to control the standard of human rights enforcement in state administration institutions, such as joint inspections in prisons. Currently, joint projects are being implemented by the Ombudsman and CSOs, particularly in raising awareness on human rights.

## *Transforming Public Institutions*

Effective execution of laws and policies requires the ability to adapt to change. Change in societal demands is followed by changes in laws and policies, which naturally ought to be accompanied by institutional changes of structures and processes, which enable smooth transition and adaptation with the evolving requirements of policy practices. Hence, institutional transformation, at its core, is about the ability of institutions to adapt to evolving circumstances, whether that might be the result of new legislation or policies.

Institutional transformation is crucial in making new policy 'stick' and delivering the desired outcome of institutional services. Albania has had a series of legal changes related to the participation of CSOs in institutional decision-making. However, not only have institutions failed to keep up with the legal changes, but they continue to be unfit for tackling many institutional responsibilities to this day. Particular cases in point are the laws on Public Consultation and on the Right to Information, both adopted in 2014. As various experts stated, the reason why arguably the Law on the Right to Information has been implemented more effectively than the one on Public Consultation was due mostly to pressure and oversight exerted by the Commissioner on the Right to Information and Personal Data Protection, rather than sheer political will. To contrast that, the Law on Public Consultation has not received much attention and as a result it is very poorly implemented across public institutions.<sup>55</sup> In itself, this is a clear indicator of how public institutions, alone, have failed to transform and develop strategies and policies that maximize their ability to fulfil their legal requirements.

## *Management Structures*

Proper management influences operational effectiveness and it is affected largely both by the political will to see a process implemented and the ability of an institution to deliver the services required. Consequently, well-established procedures that allow for genuine public consultation are of paramount importance. Yet, clearly defined and well-internalized procedures to allow for genuine consultation appear to be limited. Management structures have a responsibility to ensure that such processes are in place, not only to see an effective implementation of the law, but also to ensure that control mechanisms are in place to reduce risk and maximize efficiency. In that regard, management should focus on prioritizing the right amount of human and logistical resources on being more effective.

Prioritizing capacities is an essential element of building effective and sustainable public service structures. One of the primary concerns of most institutions in Albania is the limited resources to implement policies. Therefore, they often rely on existing structures to cover the newly adopted responsibilities of the institutions. The problem that develops through this practice is the dilution of responsibilities as well as the reduced focus of public officials on the secondary tasks. Such is the case with the role of the coordinators for public consultation and for the right to information, where in almost all institutions the people in charge of this function were not entirely dedicated to that particular function.<sup>56</sup> Several issues arise from this situation, mostly related to the inability of the persons in charge to exercise their authority accordingly. First, these public officials are usually of lower ranks, which means that they might have limited

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<sup>55</sup> Interviews with civil society expert 1, civil society expert 4, civil society expert 5.

<sup>56</sup> Interviews with civil society expert 2, official from the Ombudsman's office, ministry official 2, municipality official 1, and municipality official 3.

competences to access information and even limited skills to effectively provide it. Second, coordinators might face delays in obtaining the relevant information and responding within the legal time limits to CSOs, interest groups, or individuals due to hierarchical procedures they need to follow as well as their limited capacity to interact with higher level structures. Third, higher ranked structures consider the work of these coordinators as a second-hand priority, which leads to superficial information sharing with CSOs and the institutions.

Undoubtedly, these drawbacks are tied to the lack of will on the part of the leaders to prioritise public information and consultation. Assigning such tasks to “lower ranking officials on top of additional tasks is an indication that no needs assessment was conducted” to evaluate the importance of such new structures.<sup>57</sup> Prioritization, of course, stretches to the resources at hand which are dedicated for particular public officials. In almost all institutions, with the exception of the Parliament, public officials handling public consultations and right to information practices, did not have dedicated logistical support for conducting their role, thus inhibiting their ability to organize and manage workflow accordingly.

Knowledge management is perhaps the aspect that is mostly affected by improper prioritization as it happens to coincide with high staff turnover in the lower ranking positions.<sup>58</sup> Unfortunately, most of the institutions observed did not have a training plan for knowledge retention and capacity building. The primary institution providing training for public officials on administrative procedures and regulations is the Albanian School of Public Administration (ASPA). ASPA trains over 5000 public officials every year, yet their training is rather generic and it seldom prepares them for the unique challenges each public official will face when working in their respective fields of expertise.<sup>59</sup> Furthermore, internal training was almost inexistent, and no reports were generated by either superior structures or the implementing authorities in order to generate feedback about their work. This is a clear indication that most public institutions have not developed a knowledge retention and knowledge management cycle. Internal trainings, monitoring, reporting, and lessons learned are essential in ensuring that the unique ‘know-how’ of the institution is preserved and enriched further.<sup>60</sup> However, the process of developing sustainable procedures for managing institutional knowledge, in itself, requires strategic considerations and, most importantly, proper instrumentalization to ensure practical, tangible and measurable applications of policies.

## *Instrumentalization of Cooperation and Lessons Learned*

Instrumentalization is, in short, the process of turning laws and policies into sustainable and effective institutional actions. It requires the development of applicable mechanisms that enable this process. An important initial step of this process is internalizing practices and procedures. Internalization of institutional practices guarantees long-term applicability of good practices and sustainable institutional transformation. To illustrate the need for instrumentalization of policy, the Commissioner for the Right to Information and Personal Data Protection (IDP) has observed throughout its monitoring process that “trainings conducted by the IDP are often not sustainable”<sup>61</sup> – an indication that the structures intended to promote such good practices within institutions do not have clearly defined scope, responsibilities, and capabilities.

<sup>57</sup> Interview with civil society expert 2.

<sup>58</sup> Interview with ministry official 2.

<sup>59</sup> Interview with civil society expert 2 and civil society expert 4.

<sup>60</sup> Interview with civil society expert 4.

<sup>61</sup> Statement by representative of the IDP Commissioner, Conference “Strengthening the Role of Civil Society Organisations in Decision-Making in Albania”, 31 January 2020, Tirana Albania

Tapping into the full potential of CSO-government partnerships requires strengthening the management capacities of both sides and a greater understanding of the nature and mechanisms of cooperation. On one hand, to achieve a successful implementation of policies, institutions should establish structures, attribute responsibilities, and conduct checks on tasks and responsibilities, while, on the other, CSOs must be able to meet both the supply and demand aspects of such partnership.<sup>62</sup> *Supply* refers to the ability of CSOs to handle project implementations through management and technical tasks, while *demand* implies their ability to insert themselves into policy formulation, provide advocacy, and deliver policy dialogue.<sup>63</sup> Regulating such partnership requires defining the nature of the mechanisms that enable the cooperation between CSOs and institutions. In that regard, these mechanisms can either be *ad hoc* or formalized. Formalized structures are more suitable to cooperation where objectives are clearly defined, whereas *ad hoc* structures are more fitting to engagements with initially more diffused objectives and might serve as a platform for strengthening relations. Although formalized structures allow for greater control of the process, decentralization is ultimately more effective at addressing coordination problems, as it provides a broader mix of informal linkages that allow for greater flexibility and participation.<sup>64</sup>

Much of the field work of this study found that there is a lack of appropriate steps to enable tangible cooperation between civil society and public institutions. In fact, institutions seem to be lacking mechanisms which operationalize policies into practices and processes such as: guidelines, manuals, activities calendars, internal standard operating procedures, reports, and lessons learned. According to Derick W. Brinkerhoff, instrumentalization is, in itself, a process of strategic management and involves the following actions: (a) assessing the policy situation, its options, and constraints; (b) developing strategic implementation plans; (c) forming a team (d) initiating and monitoring implementation; and (e) taking actions to carry implementation to a successful conclusion.<sup>65</sup> This opinion is also shared by independent experts in Albania, claiming that partnership between civil society and public institutions must be understood as an uninterrupted circular process of assessment, planning, execution, monitoring, evaluation, and feedback.<sup>66</sup>

Yet, public institutions do not seem to apply such processes in mechanisms. Hence, instrumentalization of laws and policies is rather limited. For instance, although the law on public consultation is clear on its major expectations, institutions have not developed specific procedures to ensure effective applicability. As such, processes like reports and feedback of the consultation process are loosely administered and there are no instances of 'lessons learned' reported. Part of the reason why these practices are not in place is because institutions have not developed binding procedures for the structures responsible for ensuring effective implementation of the law on public consultation and its derivative and policies. Ultimately, to ensure proper institutional transformation and further institutional efficiency in cooperating with CSOs, public institutions need to generate better internal regulations, write specific work instructions (Standard Operating Procedures) for each process, assign clear guidelines and responsibilities, conduct training to ensure they are well understood by the staff, regularly monitor the implementation process, seek feedback, and reapply the lessons learned in the process.

<sup>62</sup> Derick W. Brinkerhoff, "Exploring State-Civil Society Collaboration: Policy Partnerships in Developing Countries", *Non-Profit and Voluntary Sector Quarterly*, Vol 28, No. 4, Sage Publications, 1999, pg. 65.

<sup>63</sup> *Ibid.*, 65-66

<sup>64</sup> Peter Schubeler, "*Participation and Partnership in Urban Infrastructure Management*", *Urban Management Programme Policy Paper No. 19*, 1996, Washington, DC: World Bank, pp. 8-12

<sup>65</sup> Derick W. Brinkerhoff, "Exploring State-Civil Society Collaboration: Policy Partnerships in Developing Countries", pg. 80

<sup>66</sup> Interview with civil society representative 1.

## *Lack of Political Will and a Culture of ‘Ticking the Box’*

The main cultural aspect observed in public institutions is the lack of political will for conducting genuine consultation processes. Any shift of power to citizens may imply a loss of power for the institution, and civil society participation in decision making is viewed as risky, unpredictable, and disruptive process by decision makers and politicians. One CSO representative argued that *“those who govern do not want such perspectives; they rather want perspectives that confirms their decision-making and easily agrees with them, and they are not interested in critical perspectives that shed light into real concerns.”*<sup>67</sup> The lack of political will is explained by the vested interests of politicians and public officials in particular policy and legal acts. CSOs are not genuinely enabled to be part of the decision-making processes and their recommendations are not taken into account, because the final aim of a given policy or law has been predetermined by powerful political agents, despite the feigning consultation procedures.

Coupled with the lack of follow-up and feedback mechanisms, the lack of political will for genuine public consultation demotivates CSOs from participating and has resulted in a consultation fatigue. CSOs are discouraged to participate in consultation as they do not believe on the credibility of the process. Building upon continuous patterns of a formal procedure of consultation, CSOs tend to distrust the notification for consultation and refuse to participate: *“This sort of culture that we see on the computer, in social networks, portals, we provide opinions on them and never receive any answers. People can do this once for passion, another time for projects, but then, there are no more reasons to do it.”*<sup>68</sup> The overlook of procedures, the prevalence of online consultation, and lack of feedback and follow-up mechanism are indications of the formality of the consultation.

The consultation process is considered as a formality that needs to be fulfilled and not as a genuine process that can feed policy and legislative process. Sometimes public institutions perceive public consultation as a burden and even a threat to their operations. Lack of budget and human resources are more often used as reasons for not engaging with civil society. In addition, public institutions claim that civil society is a mere consumer of partnership based on the needs of their projects and that they are not genuinely interested in the sustainable and meaningful cooperation of impact in policy and legislative process. In other cases, public institutions consider international partners as civil society and in this way the space of real CSOs is shrunk and hijacked by international organizations partnering with the Government and other public institutions. Consequently, there is mutual distrust between public institutions and CSOs regarding their cooperation and its impact.

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<sup>67</sup> Interview with CSO representative, leader of a network of CSOs.

<sup>68</sup> Interview with CSO representative.

# COOPERATION CULTURE AND POWER RELATIONS BETWEEN CSOS AND DECISION- MAKERS

The analysis in this chapter builds on the legal and administrative dimensions and attempts to capture the nature of the relationship between the Government of Albania and CSOs as a manifestation of political behavior understood in terms of power relations. Specifically, it attempts to answer the following questions:

- a. How do government officials – including elected officials – perceive their cooperation with CSOs? What is the role they see for CSOs in the policymaking process?
- b. How do CSOs see their relationship with public institutions? What is the perception of their work and effectiveness?
- c. What is the impact of foreign actors – international organizations and development agencies – on the government-CSO relationship?

The chapter first analyses the general cooperation trends between the government and civil society organizations. It then focuses on specific dynamics of interaction on information access and participation in the policymaking process. Lastly, it considers the influence of international actors in the development of dynamics of cooperation between the government and CSOs.

## *Trends of Institutional Cooperation*

In the past ten years, the Albanian government has undertaken a number of initiatives to include CSOs in the policymaking process. These initiatives have produced several joint government-civil society councils such as the National Council for Civil Society, National Council for European Integration, National Council for the Disabled, and the National Council for Gender Equality, amongst others. The pinnacle of civil society-government cooperation has been the reform in the judiciary.<sup>69</sup> Lawyers' associations, academia, and independent experts were involved in drafting the reform package. Furthermore, the new institutions governing the

<sup>69</sup> See <http://www.reformanedrejttesi.al/> for more information. Also Kushtetuta e Republikës së Shqipërisë (Constitution of the Republic of Albania), Qendra e Botimeve Zyrtare, 2018, <https://qbz.gov.al/preview/635d44bd-96ee-4bc5-8d93-d928cf6f2abd>.

judiciary – the High Prosecutorial Council and the High Judicial Council – feature members who are not judges or prosecutors but have been practicing attorneys or academics.

The government-civil society cooperation for the reform in the judiciary is quite unique, as it proactively and inclusively engages civil society in different stages of the policymaking cycle – from agenda-setting to policy development and implementation. The national councils, on the other hand, have been structured in such a manner so as to make substantial and sustainable civil society contribution virtually impossible.

The purpose of the national councils was to include CSOs in different stages of the policymaking cycle – as it is the case with the National Council for Civil Society – or the full spectrum (from agenda-setting to monitoring and evaluation) as it is the case with the National Council for Disabled Persons.<sup>70</sup> The National Council for European Integration, on the other hand, is to perform an advisory role to public institutions by recommending policies related to integration. Despite the purpose to include civil society in the policymaking process expressed through the objectives of the legislation establishing the national councils, these bodies are manifestly top-heavy on government representatives rather than civil society ones. For example, the National Council for Disabled Persons is headed by the minister in charge of social issues (currently the minister of healthcare and social affairs), and out of its 17 members, only seven are civil society representatives. The same minister heads the National Council for Gender Equality, whose thirteen members include only three civil society members, the rest being government representatives.<sup>71</sup>

Similar distribution trends between government and civil society representatives are maintained also for the National Council for European Integration (three CSO representatives out of a wide institutional membership which includes independent institutions, permanent parliamentary committee chairs and ranking members, representatives of parliamentary political factions, foreign affairs and European integration ministry, presidential and prime ministerial cabinets). The National Council for Civil Society is the only council with a more balanced membership between public institutions and CSOs. Furthermore, except for the National Council for Civil Society and the National Council for European Integration, it is through Prime Minister's decisions that the members of national councils are appointed or dismissed. This clearly skewed legal and regulatory framework in favor of public institutions suggests a structural and institutional unwillingness of public institutions to meaningfully engage civil society, unless it is in the framework of fulfilling EU accession criteria, and it is in the interest of public institutions and officials to present a view of a reformed administrative structure, which is open and willing to engage with CSOs.

## Cooperation Challenges

The cases of “institutionalized cooperation” offer an important background to the power relations between the government and CSOs on an institutional level. They are by no means the only form of cooperation, but similar trends of power dynamics are observed also when focusing on specific issues of cooperation related to access to information, consultation, and partnership. According to CSO representatives, public institutions tend to provide freely and timely general

<sup>70</sup> See Law no. 119/2015 “On the establishment of the National Council for Civil Society;” Law no. 93/2014, “On the inclusion and accessibility of disabled persons,” <http://www.vendime.al/wp-content/uploads/2015/08/LIGJ-Nr.-932014-P%C3%8BR-P%C3%8BRFSHIRJEN-DHE-AKSESUESHM%C3%8BRIN%C3%8B-E-PERSONAVE-ME-AFT%C3%8BSI-T%C3%8BKUFIZUARA.pdf>.

<sup>71</sup> Law no. 9970, date 24.7.2008, “On gender equality in society,” <https://www.osce.org/sq/albania/36683?download=true>

information, not documents which could reveal information considered potentially sensitive by public institutions.<sup>72</sup> Information requests related to tendering procedures, which could involve corrupt practices, or involve decision-making with potentially negative political consequences – e.g. revealing mismanagement or ineptitude – is routinely denied, thus forcing CSOs to turn to the Information and Data Protection Commissioner to compel public institutions to provide the requested information. A CSO Executive Director stated that information is particularly difficult to access during election seasons. He argued that, “...during the last months of a political mandate, public institutions become exceedingly hermetic and risk-averse due to potential political attacks and their institutional performance tends to decrease as the public officials are more focused on electoral activities rather than public service.”<sup>73</sup>

Besides these examples, information could also be withheld because a public official believes that he/she is the only one entitled to it, and a CSO, as an outsider, has no right to access something that is internal and is related to one’s work. Similarly, public institutions have previously claimed that personal asset declaration of public officials can be shielded from public scrutiny by arbitrarily claiming the information requested is “considered sensitive.” They have subsequently released the information due to pending court proceedings.<sup>74</sup> According to a municipality official, there is a tradition of public institutions to be hermetic, not open to scrutiny from and cooperation with the public. Moreover, there is a tendency not to cooperate within the public institutions themselves as employees consider one’s work isolated from a common institutional mission.<sup>75</sup> Lack of openness is identified as a concern not only by CSOs, but also independent institutions such as the Commissioner for the Prevention of Discrimination.<sup>76</sup>

These features of the institutional culture make public consultation more challenging than information access. There is also an apparent misunderstanding of the public consultation system by public officials as they claim that the public consultation online portal is sufficient to provide transparency on the meetings held and issues discussed. Public officials in the executive branch were unaware that the portal has no such option and that public institutions are required to provide the feedback to CSO recommendations separately.<sup>77</sup> Despite this lack of understanding, one of the officials interviewed stated that cooperation with CSOs has been inclusive and has played an important role in implementing government strategies, but was unable to provide clear examples of the system through which recommendations provided by CSOs are evaluated and included into a policy document. While public officials might regard the consultation process as being technically efficient and enabling CSOs to provide recommendations, CSOs see the process technically faulty and failing to afford CSOs the ability to meaningfully contribute to policymaking. CSO representatives claim that public institutions rarely take into consideration their inputs, and frequently are not engaged in sincere consultation processes.<sup>78</sup>

Members of the Albanian Assembly and public officials from the executive branch tend to underscore the effectiveness of consultations with interest groups such as business associations.<sup>79</sup> According to them, business associations are better organized and are able to have concrete proposals because “their economic interests are directly affected by the law.” CSOs, on the other hand, are slow to respond and lack sufficient expertise to advocate for and provide policy recommendations.<sup>80</sup> Challenges of CSO organizational and advocacy

<sup>72</sup> Interview with civil society representative 1, interview with civil society representative 2, interview with civil society representative 5.

<sup>73</sup> Interview with civil society representative 2.

<sup>74</sup> Interview with civil society representative 1.

<sup>75</sup> Interview with Municipality of Elbasan official.

<sup>76</sup> Interview with official from anti-discrimination commissioner’s office.

<sup>77</sup> Interview with ministry official 1, interview with ministry official 2

<sup>78</sup> Interview with civil society representative 1, interview with civil society representative 2, interview with civil society representative 4, interview with civil society representative 5.

<sup>79</sup> Interview with ministry official 2, interview with member of the Assembly 3.

<sup>80</sup> Interview with ministry official 2.

effectiveness have also been mentioned by CSO representatives themselves.<sup>81</sup> Yet, despite agreeing on these challenges, they interpret the public consultation process fundamentally differently from the public officials. In addition to conducting ineffective consultation processes, CSOs claim that the government engages stakeholders selectively and not transparently.<sup>82</sup> Opinions of CSOs who are critical of government policies are not solicited and recommendations not taken into account. A CSO representative, who chairs a network of CSOs, claimed that despite having a working relationship established with a ministry due to the joint implementation of an EU-funded project, she was not invited to a consultation process discussing new legislation and development strategies in her area of expertise, but found out about it through the ministry's social media posts.<sup>83</sup> Another CSO representative suggests that the fundamental issue that prevents CSOs from meaningfully contributing to policymaking is the hermetic and unaccountable nature of public institutions by lamenting that "it has been 29 years that we want to be able to contribute to the policymaking process, but we regretfully see a return to a Communist [institutional] tradition despite living in democracy."<sup>84</sup>

Selective engagement and the tendency to withhold information produce asymmetric government-civil society relations. This structural asymmetry leads to a rather patronizing and dismissive attitude towards CSOs by public officials and institutions. Speaking with unusual candour, a former member of the Assembly – who had been prominent in parliamentary standing and ad-hoc committees on electoral and justice reforms – stated: "Civil society impact on legislation is essentially zero. Their participation either makes no substantial change or the perceived change is due to a coincidence with a previously agreed amendment by political actors." He referenced both the justice and the territorial reform, and further argued, "Anyone in the legislative or executive [branch] does not like intrusion from third actors as it constrains them. Civil society is frequently misused as [legitimizing] layer to [the process of] consultation."<sup>85</sup>

Similarly, current members of the Assembly indicated a tepid patronizing attitude towards CSOs through their comments. While the chair of a standing committee praises himself for his personal benevolence and willingness to listen to CSOs concerns, another committee chair cites as a demonstration of transparency and accountability a brief discussion on territorial decentralization with citizens in southern Albania.<sup>86</sup> When CSOs criticize such approaches to government-civil society relations and call for greater openness, transparency, and cooperation, their integrity and motives are questioned. The main charge frequently levelled against them is being interested in engaging public institutions only through donor-funded projects for financial profit, not to improve institutional capacities or service delivery.<sup>87</sup>

## *International Actors' Influence*

International actors are omnipresent. They are not simply important donors funding the civil society sector; they are important stakeholders with significant influence upon domestic politics. It is essential to consider their influence, if one is to understand the dynamics between the government and CSOs. The influence of international actors over the Albanian state and civil society is largely exerted through the European integration framework.

<sup>81</sup> Interview with civil society representative 1, interview with civil society representative 2.

<sup>82</sup> Interview with civil society representative 1, interview with civil society representative 2, interview with civil society representative 4, interview with civil society representative 5.

<sup>83</sup> Interview with civil society representative 4.

<sup>84</sup> Interview with civil society representative 1.

<sup>85</sup> Interview with former Member of Parliament.

<sup>86</sup> Interview with Member of Parliament 2, interview with Member of Parliament 3.

<sup>87</sup> Interview with civil society representative 1, interview with Municipality of Elbasan official

A notable example of such influence is the reform in the judiciary. International experts were an integral part in the drafting stage. Currently, the European Union's EURALIUS mission and the U.S. Department of Justice's Overseas Prosecutorial and Development Assistance and Training Program (OPDAT) are offering support to the process of establishing the new institutions.<sup>88</sup> The involvement of Albanian civil society was essential to ensure public legitimacy for the justice reform package. While this was undeniably a positive development in terms of civic engagement and local ownership, it is necessary to consider the underlying political framework to understand the willingness of Albanian public officials to be unprecedentedly open and inclusive. Given the reform's crucial importance as one of the key EU accession priorities, Albanian public officials were coerced by the circumstances to accept an unprecedented level of outside interference – both from within the country and from abroad.

In other cases where cooperation with CSOs does not have a compelling political advantage – understood in terms of fulfilling EU accession-related criteria – public institutions revert, or backslide, to their default inaccessible position. CSOs thus find it difficult to sustain their cooperation with public institutions, if there is no donor providing both funding and access to public institutions. The international donors in Albania, through their disproportionate power, assume essentially the position of a mediator, so that CSOs may exercise a rather moderate degree of influence on public institutions. Without their “mediation,” CSOs would find it extremely challenging to contribute to the policymaking process, as public officials and institutions often believe they have nothing to gain from being open and inclusive.

These relationships present existential challenges for the institutional survival and effectiveness of CSOs. Recent efforts by Albanian civil society to prevent a number of highly controversial legislative proposals by the executive have either completely failed or they have been forwarded to international bodies to be assessed for their compatibility with fundamental human rights and freedoms. In July 2019, the Albanian government proposed a series of amendments to existing media and electronic communication legislation, known as the “anti-defamation package,” which gave the Albanian media regulator (AMA) broad powers to regulate online content by fining online news outlets and ordering them to remove content. Considered by a number of civil society actors (journalists, media experts, Civil Rights Defenders and other CSOs working on civil rights issues) as a “censorship package” – an attempt by the government to stifle criticism of its policies – it was adopted in December 2019 by the Albanian Assembly despite calls from civil society actors to revise it. On 13 January, one day after President Meta returned the draft package to the Assembly for review, the chair of the Socialist Party parliamentary group, Taulant Balla, indicated that the Assembly had no intention of reviewing the package and that the president's decree would be overturned on 20 January. Coincidentally, on that same day the Council of Europe's Monitoring Committee of the Parliamentary Assembly requested an opinion of the Venice Commission concerning the amendments to the Law on Audio-visual Media. The Albanian Assembly and the Council of Ministers decided to suspend further action pending the Commission's opinion in March.<sup>89</sup>

<sup>88</sup> See Euralius V, “About Us,” accessed on 10 February 2020, <https://euralius.eu/index.php/en/>.

<sup>89</sup> Aleksandra Bogdani, “Paketa anti-shpifje e qeverisë: Policim dhe gjoba te dyfishta per median online (Government's ‘anti-defamation package’: Policing and dual fines for online media),” *Reporter.al*, 5 July 2019, <https://www.reporter.al/paketa-antishpifje-e-qeverise-policim-dhe-gjoba-te-dyfishta-per-median-online/>; Gjergj Erebara, “Albania anti-defamation laws condemned as ‘censorship package,’” *Balkan Insight*, 19 July 2019, <https://balkaninsight.com/2019/07/19/censorship-bill-albania-rights-organizations-slams-anti-defamation-package/>; Benet Koleka, “Albania passes anti-slander law despite media protest calling it censorship,” *Reuters*, 17 December 2019, <https://www.reuters.com/article/us-albania-media-law/albania-passes-anti-slander-law-despite-media-protest-calling-it-censorship-idUSKBN1YM2HS>; Ilirian Agolli, “Tiranë: Presidenti Meta kthen ne Kuvend paketën anti-shpifje (Tirana: President Meta returns to the Assembly the anti-defamation package),” *VOA*, 12 January 2020, <https://www.zeramerikes.com/a/5242189.html>; “Meta kthehu ‘Anti-Shpifjen,’ Taulant Balla: E mori urdhrin nga Lulzim Basha, dekretin e rrezojmë në Kuvend (Meta returned ‘anti-defamation,’ Taulant Balla: He was ordered by Lulzim Basha, we will overturn the decree in the Assembly),” *BalkanWeb*, 13 January

In November 2019 the Albanian government presented another draft-legislative package affecting a series of existing laws including the Code of Criminal Procedure. According to the government, it would strengthen the effectiveness of law enforcement institutions to address the ties between corrupt judges and prosecutors and organized criminal groups.<sup>90</sup> The package was clouded by a profound lack of transparency, consultation, and an unexplained sense of urgency to forgo regular parliamentary proceedings, and enact it through a normative act with the power of law approved by the Council of Ministers.<sup>91</sup> The package, which was approved on 31 January 2020, was criticized by a number of CSOs in a joint open letter. The 13 CSOs criticized provisions considered by them as infringing upon civil rights and institutional checks and balance. They also criticized the approval procedures, which they claim to have been unconstitutional.<sup>92</sup> The government disregarded the calls from civil society urging a policy reversal by claiming to have consulted the draft-package with US and EU experts. Immediately after the approval of the normative act, both the US embassy and the EU delegation maintained that they were not familiar with the latest version of the package.<sup>93</sup> Shortly after, however, they proclaimed their full support.<sup>94</sup> One of the most vocal endorsements came from the Speaker of the European Parliament, David Sassoli, who said that the package had “something Italian and European about it.”<sup>95</sup>

Despite their attempts to prevent the adoption of the proposed draft-legislative packages, Albanian civil society has been unsuccessful. These examples suggest that Albanian civil society has a remarkably weak voice, which is bound to be feeble if it is not connected to an international actor to amplify it.

Due to the influence of international actors on Albanian public institutions, CSO-government engagement is frequently predicated upon a donor-funded project. The prevalence of this framework puts CSOs in a precarious position, whereby their independent efforts to influence public policy are met with resistance from public institutions and typically fail. These failures further strengthen the position of international actors and their mutually dependent relationship

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2020, <https://www.balkanweb.com/meta-ktheu-anti-shpifjen-taulant-balla-e-mori-urdherin-nga-lulzim-basha-dekretin-e-rrezjome-ne-kuvend/>; Gjergj Erebara, “Venice Commission to probe Albania’s media laws,” *Balkan Insight*, 23 January 2020, <https://balkaninsight.com/2020/01/23/venice-commission-to-judge-over-albania-controversial-media-law/>.

<sup>90</sup> Maela Marini, “Prezantohet nesër paketa special anti KÇK, mekanizëm që shkatërron themelin e foleve të kriminit (The special ‘anti-KÇK’ package is presented tomorrow, a tool to destroy the foundations of criminal enterprises),” *Agjencia Telegrafike Shqiptare*, 24 November 2019, <https://ata.gov.al/2019/11/24/prezantohet-neser-paketa-speciale-anti-kck-mekanizem-qe-shkaterron-themelin-e-foleve-te-kriminit/>

<sup>91</sup> Article 101 of the Constitution gives to the Council of Ministers the right to approve a normative act with the power of law in cases of emergency to take temporary measures. The Council of Ministers must immediately forward the act to the Assembly for approval. If the act is not approved within 45 days of its approval, it loses its power. See also Normative Act no.1, date 31.01.2020 “On preventive measures to strengthen the fight against terrorism, organised crime, serious crimes and the consolidation of public order and safety,” Qendra e Botimeve Zyrtare, 2020, accessed on 10 January 2020, <https://qbz.gov.al/eli/fz/2020/10/64724912-9574-41e3-9ea5-eb7919a58566>.

<sup>92</sup> Komitetit Shqiptar i Helsinkit (Albanian Helsinki Committee), “Miratimi me akt normativ me fuqinë e ligjit të paketës ligjore Anti KÇK ka cënuar parime të rëndësishme kushtetuese (The approval of the normative act with the power of law of the legislative package ‘anti-KÇK’ has violated important constitutional principles),” 31 January 2020, <https://ahc.org.al/miratimi-me-akt-normativ-me-fuqine-e-ligjit-te-paketes-ligjore-anti-kck-ka-cenuar-parime-te-rendesishme-kushtetuese/>.

<sup>93</sup> Gjergj Erebara, “Paketa anti-KÇK e qeverisë kthehet ne ligj pa e lexuar askush (Government’s ‘anti-KÇK’ package becomes law without anyone having read it),” *Reporter.al*, 31 January 2020, <https://www.reporter.al/paketa-anti-kck-e-qeverise-kthehet-ne-ligj-pa-e-lexuar-askush/>.

<sup>94</sup> “Paketa ‘anti-KÇK,’ reagon SHBA dhe BE (‘Anti-KÇK’ package, reactions by the US and the EU),” VOA, 2 February 2020, <https://www.zeriamerikes.com/a/5270346.html>.

<sup>95</sup> “Paketa anti-KÇK, Sassoli: Ka diçka italiane dhe europiane (‘Anti-KÇK’ package, Sassoli: There is something Italian and European),” A2 CNN, 3 February 2020, <https://a2news.com/2020/02/03/paketa-anti-kck-sassoli-ka-dicka-italiane-dhe-europiane/>.

with Albanian public institutions: public institutions need the assistance of international actors to fulfil EU accession criteria, whereas international actors need the cooperation of the public institutions to implement their agenda.

# CONCLUSIONS AND RECOMMENDATIONS

## *Concluding Remarks*

Genuine and sustainable cooperation between CSOs and institutions in Albania presents crucial **challenges despite progress achieved**. Such challenges can be seen at the level of the strategic environment in which CSOs operate; legal framework; structure and processes and the overarching cultural aspects that infuse all interactions between CSOs and public institutions.

In terms of strategic environment, this study finds **a tendency of shrinking civic space and concerns of capture of civic space by politics**. CSOs are not fully able to exercise functions of channeling citizens' concerns into policy processes. Interviewees pointed to smear campaigns seeking to **discredit and delegitimize the public image of CSOs** in Albania, which are often portrayed as linked to political agendas and particular powerful vested interests. The tendency of shrinking space is problematic, because it prevents CSOs from voicing the concerns of different communities and from performing their **watchdog role effectively**. The **credibility of CSOs** and their impact in policy processes are hindered by cases of clientelism as observed by interviewees. These politically affiliated or supported CSOs that serve the government or those in power seek to **shadow the actual civil society**. As a result, **the diversity in civil society** can potentially be limited by the presence of politically affiliated or supported CSOs.

Another aspect of the strategic environment is that of **mission drift of CSOs** as a result of limited sustainability. CSOs orient their operations towards donor's agendas and funding opportunities more than they do towards achieving their mission. As a result, they have **limited impact in actual social, political and economic transformation** and **break the circle of trust with the communities** they are supposed to represent and support. With no long-term strategies and action plans in place and with limited organizational capacities, CSOs find it extremely challenging to respond promptly and effectively to the legislative and policy process through advocacy, expertise, participation in public consultation, public hearings, and other interactions with public institutions.

While civil society sector has expanded in terms of overall number of CSOs outside Tirana over the past five years, this has not resulted in consolidation of a vibrant and genuine civil society in the country. This study finds a considerable **centre vs periphery gap** when it comes to capacities of CSOs and their engagement with decision makers. While there has been some progress with the CSOs growing relatively well in Tirana, the organizations outside Tirana lack the institutional capacity to develop, fundraise, monitor, and lobby adequately for their work.

The **weak connection with communities and limited representation of their concerns and interests**, limit the potential of CSOs to act as democratic intermediaries, conveying the needs and interests of social groups to decision making in public institutions. Also, **without strategic coalition building, networking, and coordination among CSOs**, their impact in legislative and policy processes is limited.

Currently, **an adequate legal framework** regarding CSOs and decision-makers cooperation and interaction is in place. However, considering **the persistence of significant shortcomings in the legislation** and the lack of standardized functioning of CSO-government bodies, the socio-political environment enabling CSO contribution is in urgent need for improvement, which could be sought through **legal amendments and greater conceptual and institutional changes** regarding the role of civil society in policymaking.

This study finds that the public institutions have **relatively limited suitable structures and processes** in place to ensure meaningful and substantial cooperation with CSOs. Key challenges remain in terms of human capacities, financial resources, embeddedness of collaboration in the operations of institutions and prioritization of such collaboration. Both representatives from public institutions and civil society highlight the limitations of **feedback and follow up mechanisms**. Contrary to Parliament, line ministries and LGUs, a **well-established partnership between CSOs and the selected independent institutions** (Ombudsman, Commissioner for the Protection Against Discrimination, Commissioner for the Right to Information and Data Protection) is noted. The observed independent institutions (Ombudsman, Commissioner for the Right to Information and Personal Data Protection, and the Anti-Discrimination Commissioner) report high levels of collaboration with civil society organizations, including consultation, projects and numerous activities, and awareness-raising campaigns.

A major challenge with regard to structures and processes is that of ability of public institutions to respond to changes in law and policy referred here as **transforming public institutions**. This study finds that **institutions fall short of keeping up with the legal changes** and continue to be **relatively unfit for tackling many institutional responsibilities** deriving from the Law on Public Consultation and on the Right to Information. More so, well-established procedures that allow for genuine public consultation are limited.

**The role of the Coordinator for Public Consultation or the Right to Information is very limited within public institutions** due to a combination of factors. These drawbacks are tied to **the lack of willingness of the leaders** to prioritize public information and consultation and to **allocate suitable resources**. Moreover, this study indicates that most public institutions have not developed **a knowledge retention and knowledge management cycle**. In fact, institutions seem to be **lacking mechanisms which operationalize policies into practices and processes** such as: guidelines, manuals, activities calendars, internal standard operating procedures, reports, and lessons learned.

The **lack of political** will for genuine public consultation coupled with **lack of follow up and feedback mechanisms**, demotivates CSOs from participating and has resulted in a **consultation fatigue**. The **consultation process is considered as a formality** that needs to be fulfilled and not as a genuine process that can feed policy and legislative process. Consequently, there is **mutual distrust** between public institutions and CSOs regarding their cooperation and the impact.

In terms of cultural aspects, this study observes **a lack of culture of openness of public institutions**, identified as a concern not only by CSOs but also by independent institutions, such as the Commissioner for the Prevention of Discrimination. Interviews with CSOs suggest that the fundamental issue that prevents CSOs from meaningfully contributing to policymaking is the **hermetic and unaccountable nature of public institutions**. **Selective engagement and the tendency to withhold information** produces asymmetric government-civil society relations. This **structural asymmetry** leads to a rather **patronizing and dismissive attitude towards CSOs** by public officials and institutions.

The Government of Albania has been propelled forward disregarding other forces from civil society that demand transparency and accountability. Such demands are overwhelmed by the **sheer force of political legitimacy provided by international actors**. Although international actors do not always support the actions of the Albanian government, Albanian public officials and institutions are acutely aware of the need for the support of international actors to legitimize

their policies. If they miscalculate their policy outcomes, they patiently wait for the verdict of an international body such as the Venice Commission in the case of the anti-defamation package. **CSOs** are caught in the middle of this dynamic, and frequently serve as **a gear through which cooperation between public institutions and international donors is conducted**. Although important to engage, the gear is not essential for the efficiency of the cooperation machinery; **direct cooperation** is often more desirable. These interactions ultimately produce **trends of partial cooperation between CSOs and public institutions** regarding transparency and access to information, public consultations, and partnerships, as well as partially implemented or unsubstantial legislation.

## Recommendations

### Legal Framework

1. The Law on the Right to Information **broadens the scope of restriction of information** to the public by including undefined and vague criteria, thus giving a public institution sufficient latitude to legally deny public access to unclassified information. As such, **the 'public interest' clause in the Law on the Right to Information ought to be clearly defined** to consider the needs for public transparency, accountability, and prevention of corruption of public institutions. In its current form, it fails to resolve the conflict between secrecy and transparency as it is not defined by the law.
2. The Law on Public Consultations requires better regulating and improved monitoring capacities by the Information and Data Protection Commissioner. Although Article 21 of the law authorizes the Commissioner to administer complains, more regulations, processes, and structures are required to enable effective application of the law.

### Recommendations for CSOs

1. CSOs must work to (re)establish **sustainable relations within their supportive base**, communities, and interest groups they represent and strengthen their role as representatives of their interests in order to build greater **trust and credibility**.
2. CSOs must work their capacities to provide **constructive and meaningful input** for draft-acts by investing in continuous **professional development of their human resources** and **building coalitions** with other CSOs operating in the same area. Of particular relevance must be the improvement of CSOs capacities, particularly at **local and peripheral level**, in advocacy, networking, partnership building, public relations, and the use of online media as tools of connecting with stakeholders.
3. CSOs must also steer their attention more towards **direct and participatory democratic mechanisms**, such as empowering citizens' initiatives to propose legislation, encouraging activities about referenda, petitions and alike as instruments to hold the government accountable, and ensuring appropriate checks and balances.
4. Well-established CSOs must also provide **peer-to-peer support and exchange of best practices** as mechanisms of strengthening coalition-building in the civil society sector.
5. CSOs working on policy advocacy must build on or expand their **research-based expertise** and break the donor-dependency cycle.

## ***Recommendations for Public Institutions***

1. Institutions must establish a more consistent **monitoring, evaluation, and learning mechanism** regarding the implementation of laws and procedures regulating cooperation with CSOs.
2. Institutions must strengthen their **procedures for documenting and disseminating knowledge resources, lessons learned, good practices, and success stories** by capitalizing on the advanced technologies for **institutional knowledge management**.
3. Government **websites** should be easily **navigable as a prerequisite of open government in the digital age**. The websites should include not only existing legislation, decisions, procedures, and strategy documents, but also draft decisions, draft laws, policy documents, rationales, minutes of consultation meetings, and related documents drawn up in advance and following of policy process.
4. Institutions must ensure **advance notice of public consultation** processes is provided to all stakeholders and the general public in **ample time and have in place appropriate feedback and follow-up mechanisms**. In this way, civil society participation in decision-making will be **informed, inclusive and with meaningful impact**. In addition, public bodies should proactively involve CSOs not only in the notification of draft acts, but also during the **initial process of drafting the relevant acts**.
5. **Feedback and follow-up mechanisms must be consolidated**. Public institutions that organize consultations with CSOs should set up a system and timeframe to respond to CSOs and citizens on their comments and recommendations, notifying them whether those **recommendations are incorporated in the final draft or if they are rejected**, with justifications why they were rejected.
6. **De-politicization of CSOs in consultative and advisory bodies** should be addressed by introducing proper integrity and accountability measures for the appointed persons.
7. The role and authority of the **Coordinator for the Right to Information and Public Consultation** needs to be reinforced. Public institutions should fully **acknowledge its relevance, supporting its function and well-integrating it with other structures and process**. The first step to achieve this is to **eliminate double functions** and establish the role of Coordinator for the Right to Information and Public Consultation as standing on its own merit and dedicated entirely to maintaining cooperation with civil society, interest groups, and citizens.
8. Public institutions must prepare clear and effective guidelines and training to implement existing legislation on civil society cooperation. They need to consolidate their **professional development and training cycles** for their staff, particularly to respond to changes in legislative and policy framework, but also to be sensitive towards changes in the wider socio-economic landscape and build up **transformative cultural attitudes**.

# BIBLIOGRAPHY

- Agency for the Support of Civil Society, “OJF që vepron në Shqipëri (Non-profit Organizations Operating in Albania),” accessed on 9 December 2019, <http://www.amshc.gov.al/web/ojf/> .
- Agency for the Support of Civil Society, “Rules of Procedure of the Agency for the Support of Civil Society,” accessed on 5 December 2019, [http://www.amshc.gov.al/web/doc/ligjore/Rregullore\\_e\\_AMSHC.pdf](http://www.amshc.gov.al/web/doc/ligjore/Rregullore_e_AMSHC.pdf)
- Agency for the Support of Civil Society, “Rules of Procedure of the Agency for the Support of Civil Society. Tirana, 2017.
- Agolli, Ilirjan. “Tiranë: Presidenti Meta kthen ne Kuvend paketën anti-shpifje.” (President Meta returns to the Assembly the anti-defamation package.) Voice of America. 12 January 2020. <https://www.zeriamerikes.com/a/5242189.html>.
- Albanian Assembly, “Manual i Pjesëmarrjes së Publikut në Procesin e Vendimmarrës të Kuvendit (Manual for Public Participation in the Decision-Making of the Assembly),” accessed on 4 December 2019, [https://www.parlament.al/Files/Informacione/manuali\\_i\\_azhornuar\\_21298\\_1.pdf](https://www.parlament.al/Files/Informacione/manuali_i_azhornuar_21298_1.pdf)
- Albanian Assembly, “Rregullorja e Kuvendit të Republikës së Shqipërisë (Rules of Procedure of the Assembly of the Republic of Albania),” accessed on 9 December 2019, <https://www.parlament.al/Files/sKuvendi/rregullorja.pdf>
- Albanian Assembly. Manual i Pjesëmarrjes së Publikut në Procesin e Vendimmarrës të Kuvendit. Tirana, 2019 (Updated Manual for Public Participation in the Decision-Making of the Assembly)
- Albanian Assembly. Rregullorja e Këshillit Kombëtar të Integritimit Evropian. Tirana, 2016 (Rules of Procedure of the National Council of European Integration) [https://www.parlament.al/Files/Integrimi/Clibri-kryetariRregullore\\_KKIE-finale.pdf](https://www.parlament.al/Files/Integrimi/Clibri-kryetariRregullore_KKIE-finale.pdf).
- Albanian Civil Society Facility and Media Programme 2018-2019 (IPA II, 2014-2020)
- Albanian Helsinki Committee. “Miratimi me akt normativ me fuqinë e ligjit të paketës ligjore Anti KÇK ka cënuar parime të rëndësishme kushtetuese.” (The approval of the normative act with the power of law of the legislative package ‘anti-KÇK’ has violated important constitutional principles), 31 January 2020. Accessed on 8 February 2020. <https://ahc.org.al/miratimi-me-akt-normativ-me-fuqine-e-ligjit-te-paketes-ligjore-anti-kck-ka-cenuar-parime-te-rendesishme-kushtetuese/>
- Annual Report of the National Council for European Integration (Raporti Vjetor i Këshillit Kombëtar të Integritimit Evropian, 2018),“ accessed on 9 December 2019, <http://parlament.al/Files/Integrimi/RaportiVjetorKKIE2018.pdf>
- BCSDN, (2020). “Position on the New EU Civil Society Guidelines”, Balkan Civil Society Development Network. Available at <http://www.balkancsdn.net/bcsdns-position-on-the-eu-civil-society-guidelines> [last accessed 09.02.2020]
- Bogdani, Aleksandrea. “Paketa anti-shpifje’ e qeverisë: Policim dhe gjoba te dyfishta per median online.” (Government’s ‘anti-defamation package:’ Policing and dual fines for online media) Reporter.al. 5 July 2019. <https://www.reporter.al/paketa-antishpifje-e-qeverise-policim-dhe-gjoba-te-dyfishta-per-median-online/>

- Civil Society Organisation Sustainability Index, 2019. Available at <https://www.fhi360.org/resource/civil-society-organization-sustainability-index-reports> (Last accessed 11.02.2020)
- Civil Society Sustainability Index 2017, available at <https://www.fhi360.org/sites/default/files/media/documents/resource-civil-society-organization-2017-regional-report.PDF> (Last accessed 12.02.2020).
- Conference of INGOs of the Council of Europe. Code of Good Practice for Civil Participation in the Decision-Making Process. (2013).
- Constitution of the Republic of Albania, Tirana, Albania: Official Publication Center, 2018. <https://qbz.gov.al/preview/635d44bd-96ee-4bc5-8d93-d928cf6f2abd>.
- Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, available at: [https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf) [Last accessed on 11.02.2020].
- Council of Europe. (2016). ‘Civil Participation in Decision-Making Processes, An Overview of Standards and Practices in Council of Europe Member States’. Available at <https://rm.coe.int/civil-participation-in-decision-making-processes-an-overview-of-standards/1680701801> [Last accessed on 01.02.2020].
- Decision of the Council of Ministers no. 539, date 25.7.2019 “On the approval of the Roadmap for the Government Policy towards an Enabling Environment for the Development of Civil Society 2019-2023, Revised.” <http://www.amshc.gov.al/web/doc/Udherrefyesi-2019-rishikuar.pdf>
- Elona Dhëmbjo, “Albania” at “Civil Society in Central and Eastern Europe: Monitoring 2019” edited by Eva More-Hollerweger, Flavia-Elvira Bogorin, Julia Litofcenko, and Michael Meyer, (ERSTE Stiftung: 2019)
- Erebara, Gjergj. “Albania anti-defamation laws condemned as ‘censorship package’.” Balkan Insight. 19 July 2019. <https://balkaninsight.com/2019/07/19/censorship-bill-albania-rights-organizations-slams-anti-defamation-package/>
- Erebara, Gjergj. “Paketa anti-KÇK e qeverisë kthehet në ligj pa e lexuar askush.” (Government’s ‘anti- KÇK’ package becomes law without anyone having read it) Reporter.al. 31 January 2020. <https://www.reporter.al/paketa-anti-kck-e-qeverise-kthehet-ne-ligj-pa-e-lexuar-askush/>
- Erebara, Gjergj. “Venice Commission to probe Albania’s media laws.” Balkan Insight. 23 January 2020. <https://balkaninsight.com/2020/01/23/venice-commission-to-judge-over-albania-controversial-media-law/>
- Euralius V. “About us.” Accessed on 9 February 2020. <https://euralius.eu/index.php/en/>.
- European Commission. (2015). “Civil Society.” Brussels: European Commission. Available at [http://ec.europa.eu/enlargement/policy/policy-highlights/civil-society/index\\_en.htm](http://ec.europa.eu/enlargement/policy/policy-highlights/civil-society/index_en.htm) [last accessed 09.02.2020]
- European Commission. (2018). Report: Albania. Available at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-albania-report.pdf> [last accessed 09.02.2020].
- European Commission. (2019). Report: Albania. Available at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf> [last accessed 09.02.2020].

- European Union, Commission of the European Communities COM(2001) 428, White Paper on European Governance.
- Eva More-Hollerweger, Flavia-Elvira Bogorin, Julia Litofcenko, and Michael Meyer, "Civil Society in Central and Eastern Europe" (ERSTE Stiftung: 2019).
- Freedom House Report 2018, available at <https://freedomhouse.org/report/freedom-world/2019/albania> (Last accessed 17.02.2020)
- Guidelines for EU support to civil society in enlargement countries, 2014-2020. Brussels: European Commission. Available at [http://ec.europa.eu/enlargement/policy/policy-highlights/civil-society/index\\_en.htm](http://ec.europa.eu/enlargement/policy/policy-highlights/civil-society/index_en.htm) [last accessed 09.02.2020].
- Hoxha, Juliana, Kosta, Klotilda, and Këruti, Kostandina. *Monitoring Matrix on Enabling Environment for Civil Society Development: Country Report for Albania, 2018-2019*. Tiranë, Albania: Partners Albania for Change and Development, 2019.
- Hoxha, Juliana, Topi, Anora and Tavani, Klotilda. *Trajtimi Fiskal i OJF-ve: Vlerësim i Kuadrit Ligjor për Organizatat Jofitimprurëse në Shqipëri dhe Zbatimi i Tij në Praktikë*. Tiranë, Albania: Partners Albania for Change and Development, 2018. [http://partnersalbania.org/wp-content/uploads/2018/07/Trajtimi\\_fiskal\\_i\\_OJF-ve.pdf](http://partnersalbania.org/wp-content/uploads/2018/07/Trajtimi_fiskal_i_OJF-ve.pdf).
- Kajsiu, B. (2018). Albania, in: Freedom House (Ed.). Nations in Transit 2018: Confronting Illiberalism. Accessed from: <https://freedomhouse.org/report/nations-transit/2018/albania> (last accessed: 25 January)
- Koleka, Benet. "Albania passes anti-slander law despite media protest calling it censorship." Reuters. 17 December 2019. <https://www.reuters.com/article/us-albania-media-law/albania-passes-anti-slander-law-despite-media-protest-calling-it-censorship-idUSKBN1YM2HS>.
- Law no. 119/2015 "On the establishment of the National Council for Civil Society." [http://www.amshc.gov.al/web/KKSHC/Ligj\\_Nr.119-2015\\_KKSHC-\(AL\).pdf](http://www.amshc.gov.al/web/KKSHC/Ligj_Nr.119-2015_KKSHC-(AL).pdf).
- Law no. 15/2015 "On the role of the Assembly in the process of integration of the Republic of Albania in the European Union." [https://www.parlament.al/Files/Integrimi/ligji\\_15-2015-1.pdf](https://www.parlament.al/Files/Integrimi/ligji_15-2015-1.pdf)
- Law no. 93/2014 "On the inclusion and accessibility of disabled persons." <http://www.vendime.al/wp-content/uploads/2015/08/LIGJ-Nr.-932014-P%C3%8BR-P%C3%8BRFSHIRJEN-DHE-AKSESUESHM%C3%8BRIN%C3%8B-E-PERSONAVE-ME-AFT%C3%8BSI-T%C3%8B-KUFIZUARA.pdf>
- Law no. 9970, date 24.7.2008 "On gender equality in society." <https://www.osce.org/sq/albania/36683?download=true>
- Loet Leydesdorf, "The Triple Helix of University-Industry-Government Relations", (2012), available at <https://www.leydesdorff.net/th12/th12.pdf> (Last accessed 30.12.2019).
- Mapping and assessment of civil society organizations' networks in Albania, Assessment Report. (2019). Partners Albania for Change and Development. 2019).
- Marini, Maela. "Prezantohet nesër paketa special anti KÇK, mekanizëm që shkatërron themelin e foleve të krimit." (The special 'anti-KÇK' package is presented tomorrow, a tool to destroy the foundations of criminal enterprises) by the Albanian Telegraphic Agency. 24 November 2019. <https://ata.gov.al/2019/11/24/prezantohet-neser-paketa-speciale-anti-kck-mekanizem-qe-shkaterron-themelin-e-foleve-te-krimit/>.
- Meta kthehu 'Anti-Shpifjen,' Taulant Balla: E mori urdhrin nga Lulzim Basha, dekretin e rrëzohet në Kuvend." (Meta returned 'anti-defamation,' Taulant Balla: He was ordered by Lulzim Basha, we will overturn the decree in the Assembly), BalkanWeb. 13 January

2020. <https://www.balkanweb.com/meta-ktheu-anti-shpifjen-taulant-balla-e-mori-urdherin-nga-lulzim-basha-dekretin-e-rrezojme-ne-kuvend/>.

National Council on Civil Society. Decision no. 1, date 19.4.2019 “On the determination of the selection criteria for the candidates, nomination and voting procedures, and the selection phases for four representatives of civil society for the National Council for Civil Society. <https://drive.google.com/file/d/1A2qx2J7MrvH97H4t8NvtqRbwCgOBEM8X/view>

National Council on Civil Society. Regulation on the Organization and Functioning of the National Council for Civil Society. Tiranë, 2017. <https://drive.google.com/file/d/1xOY3QQRybRIK0EVimImS8loJH6ab00XJ/view>

Normative Act No. 1, date 31.01.2020 “On preventive measures to strengthen the fight against terrorism, organised crime, serious crimes and the consolidation of public order and safety.” Tirana, Albania: Official Publication Center, 2020. <https://qbz.gov.al/eli/fz/2020/10/64724912-9574-41e3-9ea5-eb7919a58566>.

OSCE-ODIHR –Venice Commission, Guidelines on Freedom of Association, 2015. Available at <http://www.osce.org/odihr/132371?download=true> . [Last accessed on 11.02.2020].

Ostojic, M., & Fagan, A., (2014). “Donor strategies and practices for supporting civil society in the Western Balkans”, Balkan Civil Society Development Network (BCSDN). Albanian chapter translated by IDM Albania.

Pérez-Solórzano Borragán, N. (2016). “Civil society and EU enlargement”, in The Search for Europe: Contrasting Approaches, pp. 238-268, BBVA.

Swiss Cooperation Strategy 2018-2021, available at [https://www.eda.admin.ch/dam/countries/countries-content/albania/en/2018-02-22-albania-coop-strategy\\_EN\\_reduced.pdf](https://www.eda.admin.ch/dam/countries/countries-content/albania/en/2018-02-22-albania-coop-strategy_EN_reduced.pdf) [Last accessed on 01.02.2020].

Taco Brandsen, Willem Trommel, Bram Verschuere, 2017, “The State and the Reconstruction of Civil Society”, International Review of Administrative Sciences, Vol. 83(4) 676–693.

The Code of Good Practice for Civil Participation in Decision Making of the Council of Europe (2009).

Trust in Governance - Opinion Poll, Institute for Democracy and Mediation: 2018.

UN Human Rights Council, Civil society space: creating and maintaining, in law and in practice, a safe and enabling environment: resolution / adopted by the Human Rights Council, 9 October 2013, A/HRC/RES/24/21, available at: <https://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/RES/22/6&Lang=E> [Last accessed on 11.02.2020].

UN Human Rights Council, Equal participation in political and public affairs: resolution / adopted by the Human Rights Council, 12 October 2015, A/HRC/RES/30/9.

World Economic Forum, “The future role of civil society”, (2013), available at [http://www3.weforum.org/docs/WEF\\_FutureRoleCivilSociety\\_Report\\_2013.pdf](http://www3.weforum.org/docs/WEF_FutureRoleCivilSociety_Report_2013.pdf) (Last accessed 07.01.2020)





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# Western Balkans Democracy Initiative

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