



TICKING THE BOX ON PUBLIC CONSULTATIONS - ENABLERS, REPERCUSSIONS, SOLUTIONS?

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EXECUTIVE SUMMARY

A transparent approach to consultation processes, inclusive of civil society and open to the public, is essential to ensure the integrity, quality, and legitimacy of decision-making. The effectiveness and genuineness of such processes are integrally bound to the transparency provided by the institutions in charge of the decision-making.

To enable public scrutiny, access to public consultation processes must be ensured by the government, from the initial phases of law-making and policy-making, before the draft documents reach the Parliament. The Council of Ministers (hereinafter “the CoM”) is a key actor in such processes since it submits an average of 80–85% of all the draft laws that are reviewed by the Parliament every year¹. Therefore, this policy brief will address public consultation processes at the central government level with the aim to expose factors that enable their circumvention. It argues that to conduct successful and meaningful public consultations processes, the shortcomings in the legal framework and institutional practice that enable the circumvention, need to be addressed. Lastly, it provides policy recommendations that aim to eliminate the identified legal gaps and improve proactive transparency.

BACKGROUND

In Albania, despite having consultation mechanisms in place, civic engagement has diminished since 2016² whilst participation in public consultations as one of the main tools for civic engagement remains at unsatisfactory levels. Citizens' reasons behind low participation are disbelief, believing there are no consultation mechanisms in place, lack of information, etc.³ Whilst from the perspective of civil society, lack of trust that the input provided will be taken into consideration, lack of notification, and selective participation are amongst the prevailing reasons⁴.

According to the EU Commission, consultations in Albania often are artificial exercises, while independent studies indicate that the main features of the public consultation processes are inconsistency⁵, lack of transparency, non-inclusiveness, and culture of ticking the box.⁶ Such practices are amongst the factors that negatively affect public trust and civic engagement in the country. Amongst the several discouraging factors, this policy brief will focus on the legal gaps and non-transparent practices of public consultations and will examine their impact in circumventing public consultations.

