Strengthening Civil Society and Democratic Structures in Albania

Lessons Learnt

Das Vorhaben „*Strengthening Civil Society and Democratic Structures in Albania*" des Bundesministeriums für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ) wurde von GOPA im Unterauftrag der GTZ umgesetzt. Im Anschluss wurden die vorliegenden Lernerfahrungen in Zusammenarbeit mit dem GTZ Sektorvorhaben Good Governance und Demokratie aufgearbeitet.

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1. Introduction

The Albanian Constitution of 1991 gives and guarantees every citizen the right to form voluntary associations. However, the commitment of civil society in Albania is still weak. Albania's democratization process started 20 years ago and Albania now aspires to become a future member of the European Union. In order to achieve this, it is indispensable to strengthen civil society whose influence has become ever more important. Albania has faced shortcomings, in particular with respect to the rule of law and the stability of law, and national decision makers were lacking knowledge about appropriate programmes and measures on how to support the civil society.

State and society can only enjoy a constructive relationship when the state is responsive to civil society's active involvement in political decision-making processes. Therefore it is crucial to improve the capacity of the state and to enhance the democratic consciousness of actors in government, parliament and public administration and to strengthen democratic institutions. Promoting political involvement strengthens the legitimacy of state institutions and the democratic accountability of political players, makes the actions of government more transparent, strengthens checks and balances and allows effective action to be taken against corruption, arbitrary state rule and abuse of power.[2] Therefore the Federal Ministry for Economic Cooperation and Development (BMZ) started its project "Strengthening Civil Society and Democratic Structures in Albania"[3], implemented by the GTZ, in November 2006, to assist the Albanian government in providing adequate support to civil society. The project introduced a top-down approach, in which the government approached civil society as an equal partner. It further assisted the government to build up an institutional and legal framework in order to promote and strengthen active political involvement of civil society. This top-down approach actually distinguishes the project from others that support civil society in Albania and which are focusing more on the direct support of the NGO sector, thereby applying a 'bottom-up' approach.

In November 2009 the Council of the European Union (EU) decided to mandate the European Commission with the preparation for Albania's application for the EU-Membership. The Prime Minister Sali Berisha declared that topic as the most important priority of the entire country.[4] The inclusion of civil society in decision-making is one of many criteria which have to be fulfilled in order to become a Member of the EU. Therefore Albania's National Strategy for Development and Integration 2007-2013 (NSDI) "*encourages the active participation of NGO and civil society in decision-making process and defines its vision in the development of the country, based on an open and transparent process, which guarantees the broad inclusion of civil society, local government, the business community, the academic and scientific world, the Albanian political spectrum and other groups of interest.*"[5]

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[1] The present documentation is based upon several conversations with the GTZ-Team Leader and interviews with representatives from the government on national level and civil society in Tirana during November 16th till December 11th 2009 (see appendix).

[2] BMZ Special 168, Promoting Resilient States and Constructive State-Society Relations – Legitimacy, Transparency and Accountability: http://www.bmz.de/en/service/infothek/fach/spezial/spezial168.pdf, 2009, page 3.

[3] This project is implemented by the German consulting company GOPA Consultants.

[4] Tirana Times, Albania Towards Candidate Status, November 20-26, 2009.

[5] Council of Ministers, National Strategy for Development and Integration 2007-2013, 2008, page 23.

During the implementation of the GTZ-Project the government has managed to communicate to civil society its importance as a stakeholder in the process of democratization and as a cooperation partner through different measures (see Chapter 6).

The following chapters will give a short overview of the political and economic situation, the organisation of civil society, the state of corruption, German Development Cooperation and International Cooperation in Albania and the lessons learnt of the GTZ-project "Strengthening Civil Society and Democratic Structures in Albania".

2. Development of the Political and Economic Situation

The end of the Cold War led the majority of former totalitarian and communist countries to a process of opening up, best described by Samuel Huntington as part of the "third wave of democracy". This third wave introduced the concept of democracy as a process: it moves from a break up of an authoritarian regime, through transition, and towards democratic consolidation. While most of the former communist countries in Eastern Europe have arguably achieved the successful consolidation of democracy, this has not been the case for Albania, where a vast array of issues continues to hold the nation back and prevents the consolidation of democracy.

To place into context the complexity of the current democratization process in Albania, it is important to take into account the totalitarian communist history of the country. Compared to other Eastern European countries, Albania experienced one of the harshest and idiosyncratic communist regimes: It was isolated for half a century, even from other communist countries, thus undermining current and future development efforts.

Some of the main characteristics of the regime during this period included government paranoia and propaganda directed against external players/forces/states; the use of patriotism and nationalistic rhetoric to make isolation possible; the elimination of possible political opposition; the elimination of intellectuals and dissidents; the abolishment of religious practices; and the harshest political persecution. In fact, in a country of only three million inhabitants, hundreds of thousands suffered political persecution. The regime and its practices created a deeply divided society in a one-party state. Albania remained closed to the outside world until the fall of communism in 1991, when political pluralism and democratic elections were first allowed. Private property, along with religion, was completely banned, and farmers were forced to join cooperatives and to collectivise their livestock. Major public infrastructures systems, such as railways, irrigation systems, and plantations, were built by the population, especially the youth through forced "voluntary work". Everybody was expected to "volunteer", leaving the expression of "voluntary work" with a strong negative connotation. By abolishing private property, through forced collectivisation and "voluntary work", the state extended its domain to the private sphere of the individual, who was thus placed almost completely under the state's control. However, it is important to stress that on the eve of democratic changes, Albania was the poorest country in Europe, with no economy and little infrastructure.

Today the Albanian republic is a parliamentary democracy established under a constitution renewed in 1998. Elections are held every four years to a unicameral 140-seat chamber, the People's Assembly. Parliamentary elections in June 2009 brought Sali Berisha, as leader of the Democratic Party, to power for the second time. The opposition (Socialist Party) claim that the elections where manipulated by the governing Democratic Party and is boycotting the parliamentary sessions ever since the new parliament was reconstituted in September 2009.

In recent years the strategic and legal framework for gender equality has been improved, leading to the adoption of a gender equality law in 2008. The law establishes equality of representation in parliament and decision-making bodies at all levels of government through the provisional quota mechanism. In January 2009 the National Council for Gender Equality was established. However, there continues to be a low representation of women in high-level elected and appointed bodies both at central and local level. Following the 2005 parliamentary election, the number of seats held by women increased from 10 to 23 in 2009.

Albania is a middle-income economy in transition from a centralised and authoritarian state towards a democratic system with a market economy. It is also changing from a predominantly rural to an urban society. In this transition process, the country is driven by a combined development and integration agenda. Albania joined the NATO in April 2009, and embarked on the process of joining the EU by signing the Stabilisation and Association Agreement (SAA) in 2006. Currently it is considered a potential candidate. These aspirations have provided an impetus for reforms, and raised expectations among the population for rapid progress and development. Accordingly, Albania's National Strategy for Development and Integration 2007-2013 (NSDI) is a "second-generation PRSP": along with a focus on democratisation, the rule of law, and social and economic development, it comprises NATO and European integration.

Albania has advanced from a rank of 94 (2000) to 70 (2009) on the Human Development Index, and has witnessed solid economic growth over the past years. It is generally considered to be an anchor of economic stability in the region.

A study conducted jointly by a team of INSTAT, UNDP and the World Bank finds that Albania continued to witness significant reduction in poverty between 2005 and 2008. Results for 2008 indicate that 12.4 percent of the population was poor compared to 18.5 percent in 2005 and 25.4 percent in 2002. Reasons for the positive trend include high GDP growth, economic reforms, expanded infrastructure and better governance.[6]

3. Civil Society in Albania

During the Communist regime, the concept of civil society was nonexistent in Albania. A form of collective association, although formally not under the umbrella of the Communist Party, was used as a political weapon by the regime and created a low regard for associations in public opinion. Twenty years after the fall of communism, despite some positive achievements, Albania is still struggling to develop a vibrant civil society.

At present the term civil society in Albania is mainly applied to a number of Non-Governmental organisations (NGOs), which to a large extent are donor dependent and thus donor driven.[7] Despite some progress, civil society remains weak and unorganised. The sector is characterised by efforts of being neutral and unbiased, abstaining from rather than emphasising accountability, and avoiding rather than influencing the political democratisation process. Political analysts suggest that the main reason for the weak organisation of civil society is state control of every aspect of life during communism. As a result, organisation by non-political actors and interest groups was not possible. At the same time, once democracy deepened, some of the concepts associated with the organisation of civil society, such as community role, community organisation, volunteer work, etc., carried negative connotations,

[6] INSTAT, UNDP, World Bank, Albania: Trends in Poverty, Tirana 2009, page 2-6.
[7] Najada Tafili, Consolidation of Democracy: The Albanian Case, New York 2007, page 11

as this was the rhetoric through which people were kept isolated and afraid under the constant threat of the iron fist of the communist state before the 1990s.[8]

Currently approximately 450 out of 800 registered NGOs are active in Albania.[9] The NGO sector is small, the enabling environment is constrained and access to government or private funding is limited. As a result, most NGOs orient their operations to match available funding rather than operating under their own strategic approaches. Individual NGOs showed improvement in sustainability, but overall the NGO sector is weak.[10]

Another aspect of the fragile NGO landscape in Albania is that they mainly deal with awareness campaigns and capacity development, emphasising freedom of information. The underlying assumption is that the more people are informed about democracy and democratisation, the larger their participation and impact in the process is going to be., This approach of civil society has, on the contrary, decreased rather than increased public participation in the process because simply telling people to participate is not a good enough approach to contribute to the democratisation of the country. Shortcomings of politics, dissatisfaction with the political elite, representation crises, and a lack of trust in political institutions are addressed only through training of personnel and awareness campaigns. Additionally, since there is an almost donor dependent civil society sector in Albania, organisations in Albania have to somehow prove their independence from political actors in order to receive funding. This independence has been translated by different organisations into a protest against every party (the ruling or the opposition), blaming everybody equally, and holding no one in particular accountable for the wrong-doings of the country.

NGOs' financial viability is still very dependent on donor funding. The decrease in donor funding makes it difficult for NGOs to maintain financial viability. A well-coordinated strategy on donor cooperation in the NGO sector is lacking. NGOs also face difficulties in accessing funds due to donors' differing and bureaucratic procedures.

Only a handful of NGOs have sound financial management systems in place and are receiving funding from a variety of sources. These few organisations are becoming quite influential in the public sphere. In general, the NGO sector's overall resources are insufficient to meet its financial needs. Only rarely do NGOs charge fees for their services or engage in economic activities to support their work. In addition, NGOs generally do not engage in fundraising, and Albania has no culture of philanthropy.

Despite the problems mentioned, reports from OSCE, USAID, and Freedom House suggest that certain initiatives and ideas put forth by the civil society have taken root, such as those pertaining to human rights, media and research. However, the dependency on donor funds is still disturbing since there is a tendency on the part of civil society organisations to adopt their projects to the objectives of donors rather than the priorities and needs of the country. Apart from money and funds, there is also another factor contributing to the dependency and confusion of civil society regarding international organisations. This is related to the lack of legitimacy and the unstable political situation in Albanian politics and society, which has assigned the international community with a very important role in the domestic political agenda.

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[8] Human Development Promotion Center, Third Sector Development in Albania: challenges and opportunities, 2007, page 34
[9] Partners Albania, Directory of Albanian NGOs in 2009:
http://www.partnersalbania.org/?fq=brenda&gj=gj2&kid=56
[10] USAID, NGO Sustainability Index 2008 for Central and Eastern Europe and Eurasia, 2009, page 46

4. Influence of Corruption on Civil Society

Due to the Albanian history and prevailing corruption in the country, civil society and government are still reluctant and even sceptical to trust each other. This is an important aspect which affects and sometimes even hinders cooperation between government and civil society.

Since the collapse of communism in Albania, both petty and grand corruption has spread through practically all levels of the executive authorities, local governments, judiciary as well as the society. Several senior ministers and government officials, parliamentarians and officials in the governing party in Albania are deeply involved in corrupt behaviour. Transparency International's Corruption Perceptions Index 2009 ranked Albania 10 points less than in 2008 (95 to 85). That is a significant sign that the corruption in the country is still high and that efforts undertaken up to the present have not been sufficient.[11]

Corruption exists in different forms in Albania. From the bribing of public officials, to the abuse of tenders, in faulty privatisation, in the rewarding of public contracts, in purchasing of positions, in formation of monopolies on basic goods, in discriminatory application of laws and taxes against competitors, in illegal funding of political parties and electoral competition or in the outright theft of state property and revenue.

In recent years, anticorruption rhetoric has played a major role in the political discourse, but to date there have been only insignificant successes from this approach. The government speaks more about corruption, and donors assisting Albania spend more money combating it, but there is little evidence of actual accomplishment. The European Commission's 2008 progress report states, "Corruption remains a particularly serious problem in Albania."

Even though further efforts have been undertaken in the fight against corruption, corruption remains a particularly serious problem in Albania and for its civil society. The 2007-2013 National Strategy for Development and Integration contains anti-corruption elements; however it lacks a framework for implementation. An anticorruption strategy for 2007-2013 was adopted in October 2008, but implementation has not started yet and monitoring mechanisms remain to be assessed. The institutional set up and coordination in the fight against corruption remain weak. There is no effective institutional framework to coordinate, monitor and implement anti-corruption policies across public administration.

5. International Cooperation[12] and German Development Cooperation

Eleven multilateral donors (accounting for approximately 58% of the foreign aid) and 23 bilateral donors operate in Albania. The two largest multilateral donors during the period 2000-2008 have been the EU and the WB. As for bilateral donors, the five largest, over the same period, have been Italy, Germany, Japan, the US and the Netherlands.

Since 2000, the ratio of external assistance to gross domestic product (GDP) has declined. This is mainly due to the increase in GDP (which has increased to € 8.7 billion in 2008 compared to € 4.6 billion in 2001), rather than a decline in external assistance. In 2008, the estimated ratio of external assistance to GDP was 3.65 %. Although the share of GDP

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[11] Transparency International, Global Corruption Report 2009, page 399.
[12] Council of Ministers, Department of Strategy and Donor Coordination, External Assistance in Albania – Progress Report 2008, Tirana 2009, pages 8-10.

supported by the international community is declining Albania is still dependent on inputs from abroad

At the insistence of international donors, the Albanian government is undertaking efforts to coherently implement the Millennium Development Goals, the National Strategy for Development and Integration (NSDI) and the Stabilisation and Association Agreement (SAA), the three decisive reference documents. The MDG, together with the NSDI as an implementation strategy, have become reference frameworks for international donors. The government is increasingly assuming responsibility for the projects of foreign actors, which should further improve the donor coordination.

Most of the programmes implemented by foreign donors place high importance on governance, especially to the maintenance of the rule of law and the combating of corruption, as well as to increasing the capacities and services of the Albanian administration. Efforts to overcome poverty are also of utmost importance.

The largest donor in the media and civil society sector is USAID, followed by the EU, Germany, Sweden and the Netherlands. Many of the projects are being implemented by the OSCE presence in Albania. Key bilateral actors that have been supporting the sector are US, EU, Netherlands, Germany, Canada, focusing mainly in institutionalising civil society's engagement in Albania, capacity development and service delivery. SOROS Open Society Foundation has also been offering support in this sector.

The development cooperation between the Federal Republic of Germany and Albania began in 1988. The overarching objective of this cooperation, along with improvement of the living conditions and the quality of people's lives, is to support Albania's increasing alignment with the European Union. The priority areas agreed between the two countries since 2001 are:

- Drinking water supply, sanitation and waste management,
- Energy and
- Sustainable economic and social development.

Furthermore GTZ is strengthening the cooperation between the state and civil society on behalf of the BMZ so that the people themselves can participate in the necessary reforms. For its part, the Albanian government has set up a fund for the promotion of civil society initiatives.

6. Strengthening Civil Society and Democratic Structures in Albania – Lessons Learnt

The main objectives of the project were to strengthen the active involvement of civil society in decision making, to establish a legal framework in supporting the civil society's participation role and to institutionalise the role of civil society as an integral part of the mechanism of governance at central and local level.

The most important outputs of the project are:

- A brochure on "Good Governance in Albania" published by the government[13];
- Accreditation of a Civil Society Fund of 1 Mio. US$;

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[13] The brochure was distributed in the name of the Council of Ministers to all ministries, municipalities and NGOs in Albania.

- Approval of a civil society law and the establishment of an agency for the support of civil society by parliament;
- Drafting the charter of the civil society by representatives of the government and civil society.

6.1. Task Force and Steering Committee

From the beginning on, the GTZ-project developed and implemented the strategy of establishing a task force with representatives of the government and civil society. Representatives of the Ministry of Interior (MoI) and Ministry of European Integration (MoEI) were chosen by the project, as they demonstrated good will in complying with European standards (with respect to civil society inclusion)[14]. Civil society was represented by very active civil society organisations in the socio-political scene like the Human Development Promotion Centre, Institute for Habitat Development and Gender Alliance Development Centre. With regard to the gender aspect, the task force consisted of five women and two men. During the implementation of the project, the Team Leader explicitly considered the participation of women in working groups and meetings on national and regional levels.
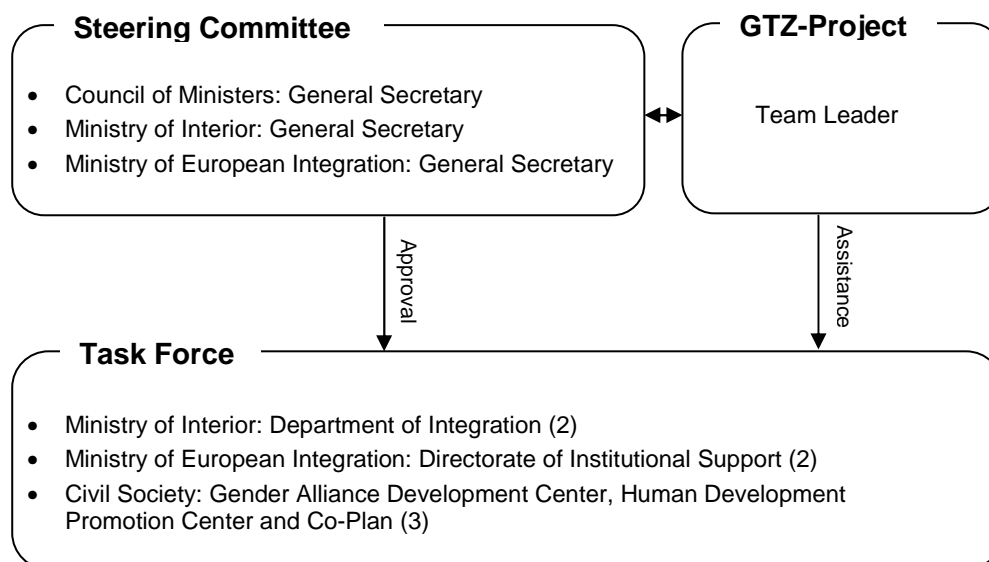
Steering Committee

- Council of Ministers: General Secretary
- Ministry of Interior: General Secretary
- Ministry of European Integration: General Secretary

GTZ-Project

Team Leader

Approval

Assistance

Task Force

- Ministry of Interior: Department of Integration (2)
- Ministry of European Integration: Directorate of Institutional Support (2)
- Civil Society: Gender Alliance Development Center, Human Development Promotion Center and Co-Plan (3)

Figure 1: Working-Team during the Implementation of the GTZ-Project

The project was able to win top executive leadership members of the Council of Ministers (CoM), Ministry of Interior (MoI) and Ministry of European Integration (MoEI) for the steering committee. The steering committee acted as the decision-making body. Everything that the task force suggested was approved by the committee. During the whole project the task force had regularly meetings, acting as an advisory body towards the steering committee. Before that an effective and institutionalised cooperation between government and civil society was not common in Albania. In the course of the project a new culture of team work between both partners was developed. Therefore, the establishment of a task force and a

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[14] These two ministries have been chosen, as the project followed the indicator in the GTZ-proposal to select at least two departments on governmental level, complying with European standards, with respect to the improvement of the legal basis of civil society's participation. These two ministries consulted civil society actors in the process of drafting the National Strategy for Development and Integration (NSDI) 2007-2013 in the year 2006.

steering committee with both representatives of government and civil society were good instruments for successful teambuilding.

An ongoing fruitful cooperation within this structure indeed supports a good partnership between government and civil society, builds up trust and demonstrates ownership of the government.

Lessons Learnt:

In countries, were the cooperation between government and civil society is generally weak, an effective measure can be to bring together representatives from government and civil society in working groups. The establishment of a task force and a steering committee including representatives from both parties induces a good partnership between government and civil society from the beginning of the project on, builds up trust and demonstrates the ownership of the government during the project.

6.2. Development of Indicators and Baseline Survey

In order to develop further indicators for the project, the team leader arranged a baseline survey. The dual purpose of this baseline survey was to:

- Provide a baseline of data on public opinion perception about participation of civil society in decision making.
- Gain a clearer idea on how civil society conceptualizes its decision making through various social groups and government and non-government representatives.

The survey was conducted by students of the Faculty of Social Science of Tirana University in order to establish a set of data to measure or compare changes over a period of time. The information provided helped to understand the current situation of the program and to monitor the impacts of the project. At the same time results of the survey were reflected to the steering committee.

Lessons Learnt:

In governance projects with a focus on supporting civil society the preparation of baseline surveys to gather information about public opinion in certain questions, is good way to compare changes over a period of time and to monitor the impacts of the project.

6.3. Media Monitoring

The aim of the process to monitor the media was to continuously check the presence and the visibility of media regarding the participation of civil society and citizens in policy and decision making, promoted by central and local bodies of governance. It was a direct and indirect way to measure the impacts of the project and it was also used as a progressive indicator.

In December 2006, the project started monitoring five main independent daily Newspapers: Gazeta Shqiptare, Standart, Shqip, Panorama and Shekulli.

As a result of the topics treated and directly tackled by civil society, there has been a considerable increase in the attention of the media towards problems regarding the society.

The civil society remains to be one of the most frequent opponents and criticizers of the governmental policies. The monitoring of media coverage shows that during 2008 civil society has been very active in the development of policies, especially legislation (2007 has been characterized by a notable involvement of the civil society in policy design due to the fact that this was the year of the approval of the National Strategy for Development and Integration). The monitored press coverage indicates that civil society exerts pressure on the political class, making problems public through the monitoring of development programs and public engagement of the government. The results of the monitoring of the five newspapers highlight the fact that civil society has the adequate potential and expertise to enable its engagement in the policy-making and decision-making processes, potentials which are being considered and used by the government. Compared to the period January-December 2007, the media reflection shows that during 2008 there has been a publicly expressed commitment on the side of the government for the involvement of civil society in the policy-making and decision-taking processes, especially in anticorruption monitoring.

Lessons Learnt:

The introduction of media monitoring in projects that are implemented on a political level is a helpful method, to continuously monitor the participation of civil society and citizens in policy and decision making. It is also a direct as well as indirect way to measure the impacts of the project.

6.4. Workshop on Good Governance

The purpose of this workshop was to present good operating models and practices that promote and institutionalise the participation of civil society in decision making.

The workshop covered the following topics:

- The policy process;
- why government should reach out to society's stakeholders;
- the potential roles for civil society in policy-making;
- a list of good operating models of European countries with regard to civil society participation in policy and decision making and
- some thoughts on how central government might organize its policy-making.

The participants in the workshop represented a mix group of people with different experience and length of service from both civil society organisations and government ministries. Recognising the differences in knowledge, awareness and perceptions, the presentation focused on creating a common understanding on what a policy process entails and how the involvement of civil society can lead to improved policy making.

The most visible outcomes of the workshop were:

- State-actors started thinking to officially strengthen civil society involvement in their decision-making processes;
- There was a common understanding that there are certain skills, instruments and methodology that specifically serve to the idea of institutionalising civil society participation in decision making;
- Civil society received a positive feed-back and signal from the government regarding the latter's good will to institutionally cooperate with civil society;
- The process of defining a good model had started;

- Training needs of government officials and civil society organisations were identified (information management, stakeholder management, negotiation techniques and change management);
- The need of study tours was defined, both at the senior policy decision-maker level, and at the more technical level.

After this workshop the task force supported by the project, drafted a brochure on "Good Governance in Albania" that introduced the objectives of the project, the main concepts on civil society, state and civil society, the meaning of good governance, contributions of good governance from government and the civil society and how relations between state and civil society can be build up and suggested criteria on the selection of partners among civil society. After the approval of the steering committee, the brochure was published in the name of the Council of Ministers (CoM) and distributed to ministries, local governments and civil society organisations. This brochure has increased the good will of the government, has strengthened its ownership and generated transparency and built up trust amongst civil society.

6.5. Study Tours

Two study tours to Estonia and Malta were conducted to assist the senior policy decision-maker level to select an appropriate model to support and finance civil society. Malta was selected as it is a Mediterranean country and the Maltese culture is similar to the Albanian one. Estonia shares a certain history with Albania as former country among the communist bloc in Europe.

Estonia invited senior decision-makers (both from government and civil society organisations) on a study tour to speak with, and learn from their Estonian counterparts in order to obtain a sense of the merits of the Estonian model/approach and learn from the benefits in creating and implementing it. The same group of Albanian decision-makers was taken to Malta. Malta implements a very structured approach but it reportedly is not as successful as the Estonia's model. This helped to highlight the contrast and served as an incentive for the Albanian participants to work towards the adaptation of the Estonian model.

The direct result, as an outcome of the study tours, was that an Albanian model was drafted by the task force and was introduced to the project steering committee with the participation of civil society representatives, reflecting mostly the Estonian approach.

6.6. Law on the Organisation and Functioning of the Civil Society Support Agency

Following the outcomes of the workshop on Good Governance, publishing a brochure on Good Governance and the lessons learnt from the study tours to Estonia and Malta, the CoM decided to establish a Civil Society Fund in October 2007. The Fund was approved by the Parliament for the Budget of 2008. So far this has been the first initiative of the Albanian Government to support the activities of civil society within the state budget, regarding it an important achievement towards building mutual trust and confidence between both government and civil society.

However, so far no grants have been disbursed through the Civil Society Fund in 2008 and 2009 as no capital can be distributed from the state budget without having an institutional framework for this matter e.g. a specific law, entity, procedures etc. Therefore the project supported the task force in drafting a "Law on the Organisation and Functioning of the Civil Society Support Agency". The agency will, once established, allocate grants to civil society according to clearly defined procedures. After the approval of the steering committee two local legal experts drafted first version of the law and by-laws, which was revised by an

international expert on civil society law and then introduced to the steering committee and other representatives from the government, legal experts from CS organisations and representatives of some Albanian institutions working with public funds.

The law defines the mechanism of the Civil Society Support Agency (CSSA), which is planned to be embedded in the Council of Ministers, with the following mission and objectives:

- The CSSA's fundamental mission is to encourage the sustainable development of civil society and the creation of favourable conditions for civic initiatives for and in the interest of the public.

- In order to reach this goal, the CSSA offers financial assistance[15] for projects that encourage and strengthen the sustainability of NGO, inter-sector and international cooperation, civic initiatives, philanthropy, volunteerism and democratic institutions as well as other projects that facilitate the fulfilment of its mission.
- While exercising these tasks, the CSSA is guided by the strategic priorities of the government for the development of civil society.

Furthermore, the law defines the organs of the CSSA and their duties, the sources to finance the Civil Society Fund, procedures of selection and decision-making and the auditing and financial reporting of the activities of the CSSA. The by-laws refer to the grant procedures, board nominations and the statute of the CSSA.

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[15] According to the "Law on the Organisation and Functioning of the Civil Society Support Agency" the Civil Society Fund will be financed through the annual state budget and other lawful donations. (Law on the Organisation and Functioning of the Civil Society Support Agency, Chapter 5, Sources of financing of the Civil Society Fund, Article 16, page 7)
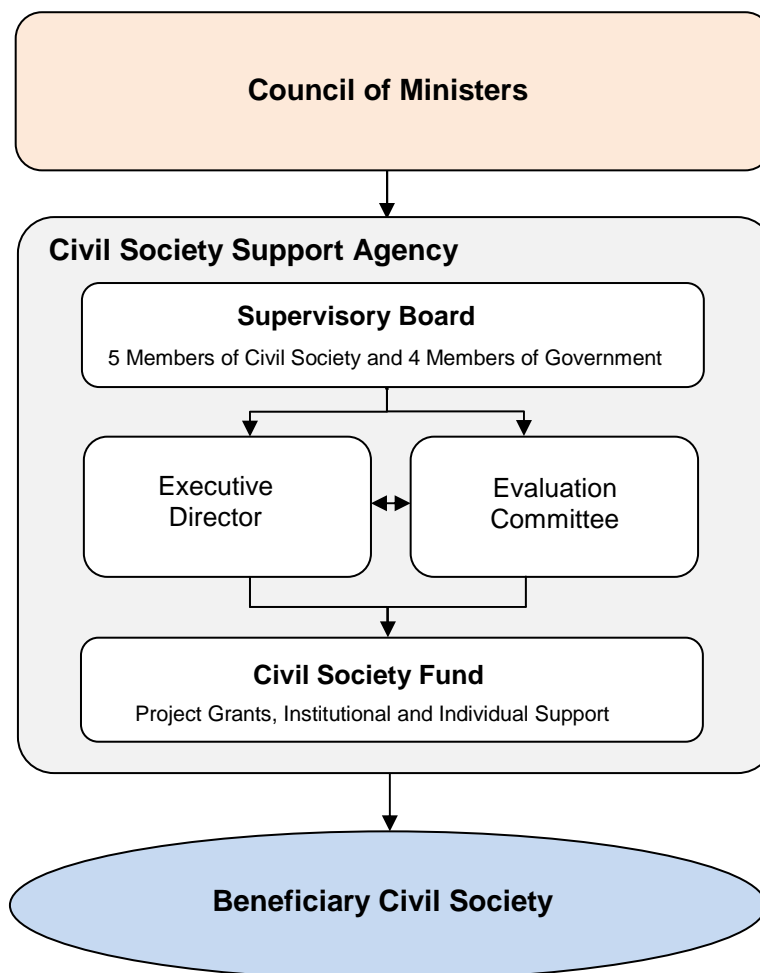
Figure 2: Draft of Institutional Infrastructure of Civil Society Support Agency

The CSSA is managed by the Supervisory Board, which consists of nine members. The CoM appoints four members of the Supervisory Board from representatives of the institutions of the central public administration and five members from representatives of the organisations of civil society, in compliance with the principle of equal gender representation.

For the selection of civil society representatives in the Supervisory Board the CoM will publish an announcement for opening the selection process for representatives of civil society. [16] The potential Board members from civil society should have at least 3 years of work experience with CSOs. Support will be provided based on an open, competitive process and candidates should provide their documents[17] at the time of application for grants.

The Agency will provide grants in forms of:

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[16] The Supervisory Board will use all possible channels to communicate the announcement to NGOs through publication in a national newspaper, uploading it on the CoM's website, through different mailing lists, websites popular among NGOs, donors contact lists, etc. After the nomination period, the CoM announces all candidates that have applied and are eligible (i.e. have completed all the requirements for the position).

[17] Certificate for their current situation from the office of the NGO-register issued not earlier than 3 months prior to the deadline for submission of the application documents, copy of their financial report from the last year as submitted to the tax authorities, copy of their statute/charter and project proposal.

- **Project grants** which are given for conducting specific activities based on the conditions of the Calls for Proposals announced;
- **Institutional support** which are strategic investments in increasing the sustainability of the civil society sector. These are given to organisations, whose development is important to the development of civil society in general, and who contribute to improving the framework and the capacity of CSOs in Albania and
- **Individual support** which is given to individuals for scholarships, participation in international conferences and other activities related to the development of civil society.

In cooperation with Tirana OSCE office (Organisation for Security and Co-operation in Europe), a set of regional meetings were organised during June-July 2008, discussing the draft law with local NGOs in Tirana, Durres, Vlora, Elbasan, Korca, Shkodra, and Kukes, which are the most populous and economical regions in Albania. The OSCE contributed through financially supporting all regional meetings.

Figure 3: Presentations and Discussions of Drafts in Regional Meetings in Albania

Regional meetings were used as a mechanism through which the project consulted specific civil society actors on the draft law. These regional meetings provided an opportunity to civil society organisations to have their impact on (a) drafting the law for Civil Society Fund, (b) the model/idea of the CS charter and on other issues related to institutionalising civil society's role in local governance. In most of the regional meetings civil society raised concern about how the board members of the Civil Society Support Agency will be nominated, obviously not trusting the government in the process of disbursing the money to civil society organisations.

Those comments and concerns were duly taken into consideration in the process of formulating the final draft. In March 2009 the Parliament approved the law and its by-laws which institutionalise the establishment of the Civil Society Agency under the CoM, as the responsible structure for the administration of the Fund.

The process of developing a legal framework was a successful measure of including civil society in decision-making and creating a culture of dialogue and collaboration between government and civil society. An indirect outcome of this process was that two municipalities (Shkoder and Korce) adopted the idea of implementing a Civil Society Fund at the local level to support civil society organisation.

Lessons Learnt:

Developing legal frameworks with the involvement of civil society in the process is a fruitful procedure to create a culture of dialogue and collaboration between government and civil society. This process needs a good moderation and lobbying with all stakeholders and involved institutions by the team leader of the project.

6.7. Charter of the Civil Society

In line with law on CS, task force of the project identified the need for a charter of the civil society, which should be developed and endorsed as part of this process. This charter would outline the duties and responsibilities for NGOs, the obligations of the state towards NGOs and how NGOs should operate. It would also determine the relationship between NGOs and government and between NGOs themselves as well as define the legal and administrative requirements that should be in place for NGOs to receive state funding. This charter would be a prelude for the law of the Civil Society Fund and would complement the law in that it would provide a basis for establishing good practice and strengthen governance.

As mentioned earlier in the report, the development of a charter of the civil society was identified as an important step in regulating the tasks of NGOs and in creating a framework for establishing relations between state and civil society

The project supported the task force in appointing a working group with representatives of civil society and government to draft such a charter, taking into consideration the gender aspect. In a participation-oriented process the members of the working group drafted one chapter each, introducing the draft in the same way like the law on the Organisation and Functioning of the Civil Society Support Agency on a regional and national level in Albania (see figure 3).

The charter of the civil society is the political document of cooperation between the state/government and civil society and does not constitute a legal obligation but rather a political commitment which publicly recognises civil society as a key social actor in the Albanian society. By means of this document both parties express and determine their reciprocal commitments aiming at:

- Strengthening democracy through increased political participation.

- Creating and increasing awareness so that the market economy does not dictate the creation of a market society, but ensures a higher social cohesion.

The charter of the civil society also offers the framework, mechanisms and policies that should contribute towards:

- Strengthening and promoting the cooperation of government bodies with their citizens and NGOs.
- Increasing the engagement of citizens through the organisations they adhere to, in order to influence policy formulation and decision-making at the central and local level.
- Improving the conditions for the empowerment and sustainable development of organisations of the CS, through the establishment of a more favourable regulatory/legal framework.
- Establishing the legal and institutional basis for the implementation of the European Union (EU) standards with regard to the CS.
- Improving public access to information.
- Supporting, promoting and stimulating volunteer work.
- Improving the legal opportunities and financial incentives/ instruments that help develop and promote philanthropy.

The draft of the charter of the civil society was finally presented in a Round Table for representatives of the government on national level, civil society and the donor community in December 2009 organised by the project. It is still unclear how civil society will ratify the charter as there is still no umbrella organisation acting on behalf of the overall civil society. However, representatives from civil society recommended in the meeting that the document should be finally approved by the parliament.

Lessons Learnt:

Drafting political documents in participation-oriented process between government and civil society builds up trust between both parties, thereby illustrating how government is accepting civil society as a serious partner.

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7. Conclusions and Outlook

The German Technical Cooperation through the GTZ-project assisted the Albanian government to strengthen the active involvement of civil society in decision-making procedures by establishing a legal framework in a participation-oriented process. The publication and distribution of the brochure on "Good Governance in Albania" in the name of the CoM, the accreditation of a Civil Society Fund, the approval of a civil society law by the parliament and the development of a charter of the civil society in teamwork between representatives of the government and civil society were important steps to institutionalise the role of civil society as an integral part of the mechanism of governance at central and local level.

The establishment of a task force and a steering committee with both representation of government and civil society from the beginning of the project on were successful instruments for teambuilding between these two stakeholders. An ongoing fruitful cooperation within this structure indeed supports a good partnership between government and civil society, builds up trust and demonstrates the ownership of the government. This ownership to include civil society in decision making has been developed during the implementation of the project, turning civil society cooperation partner.

The project was supposed to end in December 2009. However, during the consultations between the Albanian and German Government on December the 9th 2009, the Albanian government expressed its strong motivation to extend the project with BMZ. The Albanian government is obviously very pleased about the outcomes and the success of the project and has emphasised its sustainability.. So far the project has developed the institutional framework for the inclusion of civil society in the democratic process: now the mechanism has to be implemented. The Albanian government demanded further technical assistance from the German government, which has officially been approved in the protocol of the consultations. As a direct outcome the project will be extended until December 2010.

This emphasises again the strong ownership of the government towards civil society. The next steps of the process will be the establishment of the Civil Society Support Agency and the disbursement of the allocated money to civil society organisations in a transparent way and with clearly defined procedures.

List of Abbreviations

BMZ	Federal Ministry for Economic Cooperation and Development
CoM	Council of Ministers
CS	Civil Society
CSSA	Civil Society Support Agency
CSO	Civil Society Organisations
GDP	Gross Domestic Product
GOPA	Gesellschaft für Organisation, Planung und Ausbildung
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
EU	European Union
INSTAT	Institute of Statistics in Albania
MoEI	Ministry of European Integration
MoI	Ministry of Interior
NATO	North Atlantic Treaty Organization
NGO	Non Governmental Organisation
NSDI	National Strategy for Development and Integration
OSCE	Organisation for Security and Cooperation in Europe
SAA	Stabilisation and Association Agreement
UNDP	United Nations Development Programme
US	United States
USAID	United States Agency for International Development
WB	World Bank

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Appendix

Interview partner from November 16th till December 11th 2009 in Tirana

- Mrs. Valdet Sala – GTZ/ GOPA-Team Leader
- Mr. Gjergj Lezhja – General Secretary of Council of Ministers
- Mrs. Valentina Leskaj – Member of Parliament of the opposition party
- Mr. Arben Kashahu – Former General Secretary of Ministry of European Integration (Member of Steering Committee)
- Meeting with Ms. Juliana Hoxha – Member of working Group for drafting CS charter (CS representative)
- Ms. Vjollca Meçaj – Local Legal Expert (CS representative)
- Mr. Fatos Hodaj – Executive director of Municipalities Association (CS representative)
- Mrs. Genta Bektashi – Director of European Integration Department at Ministry of Interior
- Mrs. Elda Kalaja – General Secretary of Ministry of European Integration
- Mr. Dritan Shutina – Member of Task Force (CS representative)
- Mr. Ylli Cabiri – President of Human Development Promotion Center (CS representative)
- Mr. Fatbardh Kadilli – Member of Parliament (Former Adviser of Prime Ministers for Anticorruption)