



Civil Society and Albania's accession process to the EU

SUMMARY REPORT

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Mutual evaluation of the capacities of CSOs and the readiness of institutions for their involvement in this process

By 2020, it has been six years since Albania was granted the candidate status and on March 25th of this year, the EU member states took a consensual decision in the Council meeting on the starting of the accession talks with Albania and North Macedonia [1]. This is the last phase of Albania's long integration process, whose goal is to achieve extensive and sustainable compliance with the EU norms and standards.

Effective cooperation between the government and civil society organisations (CSOs) in the European integration process is important to establish sound and well-governed institutions and improve the policymaking process. Albania is establishing a legal, strategic and institutional framework to support CSO participation in the decision-making process. However, this opportunity has not been effectively utilized yet.

One of the most challenging tasks before Albania's accession is to establish a well-developed policymaking process, based on the principles of transparency, accountability and inclusiveness of **non-state actors**. In particular, CSOs should feed into the process with their expertise and monitoring capacity.

CSOs do not often actively participate in or contribute to the European Union (EU) accession negotiation process. Their rather passive role is caused by irregular feedback from national authorities and neglect of CSOs' contribution, an overall lack of transparency, an absence of trust in the established platforms for CSO participation and a perceived lack of expertise in certain areas. An additional issue to be addressed is the inadequate information provided to citizens, for which both national authorities and CSOs are responsible.

Building on the recognized problems and the experience of other countries, this summary briefly provides recommendations on how to utilize the accession negotiations to improve cooperation between state and non-state actors, and how they could significantly contribute to improvements in policymaking and democratic practices.

[1] Council of the European Union, Council conclusions on enlargement and stabilisation and association process, ELARG 20, COWEB 35, 7002/20, Brussels, 25 March 2020, p. 4, accessible at: <https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf>

European integration and the role of civil society in the negotiation process

- The EU is supporting civil society in candidate countries during the pre-accession period. In support of the development of an active civil society, the EU considers these organizations as actors that will help candidate countries meet the requirements of political conditions such as human dignity, freedom, equality, the rule of law and respect for human rights.
- The engagement of civil society in the pre-accession process is seen as a tool to **"inform and raise awareness among the citizens"** so that they will understand the reforms a country needs to undertake, in order to qualify for EU membership.
- In the framework of cooperation of among actors in the negotiation for Albania's integration to the European Union, **the parties must first understand their role and importance in this process**. More than half of the CSOs (57.7%) state that their role in the process is very important, and 35.6% of them consider it important.
- There are several ways in which civil society can contribute to the country's EU integration process, and the willingness of CSOs to contribute is reported at very high levels. **89.4%** of the CSOs state that they would be interested in being **actively engaged in the integration process** if given the opportunity, while only **1%** of them state that they are not interested.
- Despite the willingness of these organizations to contribute, the **level of their knowledge regarding this process remains a burden**. Only **22.1%** of CSOs report having very good knowledge of the accession process, and **42.3%** of them report having good knowledge.
- CSOs play an important role in the European integration process of Albania. They are **represented as a partner and contributor to the EU agenda** as well as strong implementers of key policies and strategies. **58.7%** of the CSOs state that they perceive their role in *informing and raising public awareness* regarding the integration process, and **28.8%** in **providing expertise** according to the respective field of expertise.
- Only 9.6% of the CSOs state that they know very well the EU funding schemes, 26.9% state that they know them well and 42.3% of them state that they know them somewhat. This low rate of knowledge regarding EU funding schemes is related to the *lack of capacities of civil society organizations* and therefore building the capacities of these organizations in order to access funds from these funding schemes continues to be important.

Access to information

The Ministry for Europe and Foreign Affairs is the coordinator of the process of Albania's Integration into the European Union and consequently should coordinate and lead the process with all other accountable institutions allocated according to the chapters.

The European Integration Partnership Platform identifies 14 accountable Institutions to lead the consultation process according to the respective chapters. According to an ongoing monitoring of calls for expression of interest for participation in the European Integration Partnership Platform, a number of issues are noted:

1. Lack of a standard template in the manner of announcing calls for expression of interest

Establishing and maintaining a standard for notification procedures facilitates the process of conveying the message from institutions to all interested audiences. It was noted that the institutions do not have a clearly approved communication plan which is supposed to set out the rules for announcing these calls. Institutions have chosen to publish them on their official websites, include them in other sections thus making it difficult for organizations / individuals interested in participating in these roundtables to find the announcements. So practically organizations / individuals need to be well informed about the process in order to be able to follow these announcements.

2. Non-compliance with the deadlines of calls for expression of interest

The deadline made available in the calls for expressions of interest is important as it shows in itself the integrity of the whole process by giving sufficient time to all interested parties so that they can evaluate their position in relation to the call. The monitoring also shows that there is a lack of standardization of the deadlines available for those interested in expressing their interest in participating in these roundtables. In some cases, the institutions have included in the call a deadline of 5 days which is almost impossible for organizations / individuals to consider as a call. Adding to this the fact that publication standards are also not respected makes it "impossible" to "catch" these calls. On the other hand, there are institutions which have provided a 30-day deadline which is considered more than sufficient. This may come as a result of non-compliance with the deadlines by the institutions, which after not respecting their deadlines for the announcement, shorten the deadlines of the call.

3. Lack of promotion by institutions

Institutions need to be more proactive in promoting such calls and should use every possible medium to give voice to these events and ensure adequate coverage. This has not been done by almost any of the accountable institutions, including the Ministry of Europe and Foreign Affairs (MEFA), only in the case of the Ministry of Justice we can say that it has done a good job by giving voice to the process in many different ways.

Therefore, the MEFA should strengthen its role as a "Leader" in this process and oblige and monitor line ministries and other accountable institutions in order to comply with time standards, ways of publication and also the promotion of calls. Despite the existence of a communication plan to ensure adequate information coverage of all actors involved in this process, the presence of such a plan is hardly felt at all.

- 55.8% of the CSOs state that they are not aware of a communication strategy by the Albanian government for the process of Albania's integration into the EU, while 29.8% of them stated that there is a communication strategy. A *very high rate had no information* which once again brings to attention the lack of promotion of the process by institutions.
- **Only 15.4%** rated implementation of the government's communication strategy as part of the EU integration process *as very satisfactory or satisfactory*, and **36.5%** of them rated it as *somewhat satisfactory*. On the other hand, **47.7%** rated it as *unsatisfactory or not at all satisfactory*, *emphasizing once again the low performance of institutions*.
- Asked about **the role organizations can play** in promoting the implementation of the communication strategy, **50%** of organizations responded by acknowledging *that they themselves should be more demanding of institutions by putting pressure for this strategy to be implemented*, and **40.4 %** acknowledge that they need to be proactive in sharing information between organizations, in some way expressing a certain self-criticism about this aspect.

Developments in Albania's EU integration concerns have been dynamic due to the events that have unfolded in recent years. The decision of the European Council to open negotiations for EU membership, in order for the whole process to advance, requires even better communication between all parties. In order to have a better understanding of the performance of the public administration in terms of information coverage, the respondents were asked to give their assessment compared to a year ago.

- 52.9% of the CSOs state that the situation has not changed, 25% of them stated that the level of information coverage has somewhat improved compared to a year ago, a figure which shows a *noteworthy improvement in quantitative terms*.

One of the biggest concerns raised by the CSOs is the *lack of implementation of an effective communication plan* which would significantly improve the efficiency of this whole process. The survey shows that state institutions have not implemented an effective communication plan, which in itself should incorporate activities, means of communication and measures that bring positive results.

- In 64.4% of cases it is stated that the relevant institutions inform the organizations directly *by email* about the progress of the process and the relevant announcements. This method of communication is well known by the institutions but carries with it many limitations as these notifications are sent only to those organizations which actively work with the institutions and are found in their database, leaving out a large number of organizations. In second place is the website of the institution and the accounts of institutions in social networks with 63.5% of cases.

The role of public administration in the engagement of civil society in the European integration process

Given the fact that accession negotiations are an essential stage of the integration process, it is of the utmost importance for civil society to be actively engaged. For EU officials, civil society organizations represent an important and independent source of information and recommendations, and they can also provide oversight of specific areas of a politically challenging country (Drakić & Kajganović, 2012).

Moreover, the EU integration process has self-formed the representation and advocacy of domestic stakeholders. During the pre-accession period, the EU empowers non-state actors through its special incentives for financial assistance, EU-led policy reforms and EU transnational networks, by paving the way for the engagement of stakeholders in multilateral governance. (Dorian Jano, 2015).

- For the relationship between the parties to be fruitful and productive, both parties *must first have a clear understanding* of each other's role in the process and have a broad acceptance of it. Asked about the recognition of the role of civil society by the public administration, the vast majority 83.7% assess it as very weak or weak. It should be noted that *none of the organizations highly appreciates the work of the public administration*, and this shows that these figures should be 'ringing bells' for the public administration to take measures for the development of comprehensive consultation processes (graph 21)

The public administration has undertaken a series of policies in order to advance the negotiation process of Albania in the framework of EU integration.

- 75% of the CSOs assess the suitability of these undertaken policies undertaken by the government as very poor or poor while 25% of them rate it as very good or good (graph 22).
- One of the biggest obstacles reported by civil society in the framework of bilateral government-civil society cooperation, not only in the European integration process but in all consultative processes is the availability and commitment of the administrative staff to civil society. Asked about this fact, 59.6% of CSOs rate it as very poor or poor while 40.4% of them rate it as very good or good. *This is an indicator that has marked an improvement, but again greater effort is needed.*

Consulting processes of any kind require commitment from the public administration and consequently a dedicated staff for these positions is necessary to carry out these processes effectively. The lack of a dedicated staff in public administration is an important factor in the poor assessment of their performance but we must emphasize the fact that the public consultation process as a whole has a low performance in Albania.

Although civil society engagement is crucial, *most organizations have difficulty understanding their role, as well as weak capacities and lack of resources to make a significant impact.* Adding to this, the *poor work of the administration* in promoting the role of CSOs and them being overshadowed in these processes which causes a decrease in their effectiveness in the process.

- When asked about the level of promotion of CSO participation in consulting processes, 67.3% assess it as very poor or poor and only 32.7% assess it as good.
- According to CSO representatives, *public institutions tend to provide general information rather than documents* that may disclose information deemed potentially sensitive by public institutions.
- The *lack of political will* to conduct genuine consultation processes and improve cooperation between CSOs and institutions is evident. *State institutions do not consider engaging with CSOs as an instrument for the advancement of public interest, but rather as an additional workload without a significant impact.* Therefore, this increases the mutual distrust between public institutions and CSOs regarding their cooperation.
- Much of the interaction between the two entities is hampered by the limited transformational culture within state institutions. Institutions do not invest sufficient resources and energy in capacity building, staff training and value promotion in the process of their cooperation with CSOs.
- In order to assess the role of the Albanian government in the engagement of CSOs in the integration process, the respondents were asked to provide an assessment of the last 3 years which coincide with the government mandate 2017-2021. In 14.4% of cases assessed that the role of the government has been positive during the last 3 years, but on the other hand 49% of them assessed that the role of the government has been negative. There is a high rate (38.5%) of them who assessed the role of the government as neutral.

Efficiency of administration procedures in relation to the organization of consulting processes

In order to advance Albania's European integration negotiations, closer cooperation and coordination is needed at all levels of government with parliamentary and civil society platforms on European integration issues.

The role and contribution of CSOs is considered a vital part of the EU membership negotiation process, especially in terms of their role in representing the voice of the citizens and their efforts to raise awareness among the citizens of Albania regarding the impact of EU integration in their lives.

- Asked about their perception regarding the performance of public institutions in leading the consultation process, only about 5% of them state that it has done a good job, 37.5% of them state that considerable work has been done but a better job could have been done while the vast majority (49%) think that they have not done a good job at all in leading these processes.
- The respondents were asked if they were aware of the consultations conducted by state institutions within the inter-institutional working groups (IWG). More than half (58.7%) state that they are aware and 41.3% of them state they don't have any information.
- Only 47% of those who were aware, applied to participate, while only 16% of those who applied were accepted to participate. On the other hand, 53% state that they were not aware but did not apply to participate. *This is a clear indication of the lack of trust of CSOs in the selection processes by the accountable institutions.*

Institutional relationship CSO- Administration in consulting processes

The new Ministry of Europe and Foreign Affairs, established after the June 2017 elections, is the line ministry responsible for ensuring the institutional strengthening of this cooperation.

Institutionalizing a government-civil society cooperation requires that all ministries represented in the Council ensure the proper flow of information, the establishment and functioning of Council working groups, and the involvement of Council civil society members in the ongoing discussion process of inter-ministerial working groups. This is a prerequisite for all members of the Council in the exercising of their mandate as provided by law.

- The coordination of the public administration with the civil society in the vast majority (75%) of the cases, is considered as very poor or poor, supported by all the findings of the study as well as by the interviews conducted with the experts. Meanwhile, only 25% of respondents consider the work done by the administration in coordination with civil society as very good or good.
- *Providing and sharing information in a timely manner* to give all stakeholders time to evaluate their positions is essential to all consultation processes, and not only those regarding European integration. The administration continues to remain rigid in this regard and often times this "tradition" has led to what is called "box filling", as the administration exchanges information on future processes not in a timely manner but just to meet their legal obligations and not because they consider cooperation as truly fruitful.
- *Asked if the public administration has provided timely information on the next steps of the consultation process*, in 73% of cases this is assessed negatively. Respondents state that they receive information more in informal ways than in formal ones. On the other hand, there is a group of organizations (27%) that positively assessed the administration and thinks that it has done a good job in this regard.

The consultative processes set up in the framework of the EU integration negotiations are methodologically well-defined and "solid" in terms of how they will be conducted. However, the need to have the availability and quality of information at those moments when it is necessary remains an obligation.

- The organizations that participated in the study were asked about the availability and quality of information made available to them regarding the consultation processes and in **61.5%** it is assessed as very poor or poor. On the other hand, **39.5%** of those who have cooperated with the administration, assessed it positively and stated that they have received quality information.

The organizations participating in this study were asked about their possible suggestions which they would like to address to the public administration in the context of improving the efficiency of the consultative processes in the framework of the EU accession negotiations. Most of them *unanimously demand greater involvement of CSOs and recognition of their role in this process* so that the sector can also be *a driving force of this process*. Also, the availability and quality of the necessary information for all interested groups is an obligation which is strongly required of them as a right provided by law. Thirdly, transparency regarding the decisions taken by the administration and a clear articulation of said decisions are required above all. Fourthly, it is suggested an increase of the capacities of the staff of the public administration which is responsible for organizing the consultation processes in order for them to carry out their tasks which are stipulated by the law and they have the obligation to implement. Finally, the new organizations *claim that they too should be given the medium to participate in these processes, despite their limited experience as organizations*.

Internal needs of organizations to contribute to consulting processes

The contribution of civil society to the European integration consultation processes is widely acknowledged by all parties involved. The level of involvement of all parties in this process and the reasons for this involvement are worth discussing. As the study shows and is elaborated above, a good part of the organizations did not apply in order to express an interest in contributing to the roundtables. There is another part which has applied and thinks that it has been penalized as it has not been accepted to be a part of the consulting structures. This concern needs to be addressed in both directions: first, *the integrity of the process starting from the political will, the mechanisms used and the transparency of the decisions taken by the responsible public institution* and second, *the capacity of civil society organizations to contribute to these roundtables*. The first aspect is discussed above, so in this section we will focus only on the second aspect.

Asked about the internal needs of organizations in order for them to be able to apply in these consulting processes, respondents listed the following issues as the most important.

1. **Capacity building on the integration process** according to the focus of the work and the role of CSOs in this process.
2. **Networking and identification on a unique platform of CSOs** according to their areas of expertise. In this way, public institutions would find it easier to identify and cooperate with relevant CSOs.
3. **Familiarity with EU programs and policies** and the role of CSOs in fulfilling the obligations assigned to Albania.

Although implementation and practice are limited, the legal framework in Albania provides space for co-operation on civil society initiatives and co-operation with public authorities in the EU integration process. Overall cooperation with CSOs in the negotiation process is positively assessed by public institutions and that is why authorities have focused on a simplified approach when it comes to civil society participation. However, engagement of CSOs in the consultation process must be achieved, regardless of whether Albania will join the EU or not. Also, mutual recognition, greater solidarity and continuous mobilization of CSOs and their platforms around common themes and values is needed to unite capacities and resources and achieve a bigger impact on the decision-making process.

For CSOs

- **A more proactive engagement of CSOs** is needed for them to participate fully in the EU integration process and this begins with a good understanding of the process. This means that CSOs should focus on conducting timely analysis of issues covered by the negotiation chapters; **actively defend the recommendations made** on the basis of their analysis; **be involved in establishing regular inputs** for EC progress reports, either individually or through some form of civil society network; and **take an active part in meetings** with government officials, as well as in parliamentary committee sessions.
- CSOs should **use the existing legal framework for participation**, as well as the legal instruments for access to the management and protection of citizens' rights.
- CSOs need **to be strengthened and be better organized** in order to monitor the EU integration process. Through such an organization, relevant expertise on certain issues will be provided and adequate responses will be given to certain issues related to the EU integration process on the policy agenda.
- CSOs and their platforms need to share **all relevant information - with civil society in general, as well as the public**. The voice of local communities, especially through the further engagement of active CSOs at the local level, needs to be used more frequently. Stakeholders will have the necessary information about the process and their potential engagement in it.

For public institutions

- Regular and **timely consultations of public institutions** with CSOs in the process of Albania's integration to the EU should be ensured, at different stages of the process.
- Negotiation leadership structures need to make it clear to CSOs **what data and what kind of analysis they need**. Thus, better concrete participation of CSOs can be achieved and real answers and contributions can be made.
- **Relevant documents and information during the negotiation process should be made available to the public**, so that all stakeholders can submit suggestions, comments and recommendations and monitor the process. The process should be kept transparent, with all relevant information and documents to be made available to the public immediately after the negotiation process.
- **Creation of an official online platform dedicated to the process of Albania's integration to the EU**. Such a website may contain published documents of accession negotiations and enable systematization, regular updates and proper information.
- **Creating an enabling environment for the sustainability of CSOs**. From the reports it is clear that the reason for the gap between the theory and practice of partnership is the lack of structures within the government.

