

Opening Government?

The Case of Albania in the Open Government Partnership

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I. Executive Summary

The aim of this research project is to determine if the Open Government Partnership (OGP) and its resources have been used to drive progress towards more open, accountable, and responsive government in the Albanian context. In order to address this aim, the research focuses on two specific themes: 1) the institutionalization of the open government (OG) agenda in Albania; and 2) the relevance of the OGP process within a decentralization reform. The first theme focuses on the open government movement in Albania: not only when and why it started, but also how it is perceived by pro-reform actors, its relevance to the country's democratic advancement, and the salience of OGP to that movement. The second theme evaluates if and how OGP inputs have influenced the drafting and implementation of a specific open government reform: the push to decentralize local government units as a means to increase transparency, accountability and participation. Throughout, this study tracks how Albania's OGP membership has informed the country's open government journey.

The study uses interviews, literature reviews, and substantial secondary research to investigate these themes, and to place them within Albania's unique political context. The following findings have been generated:

- 1) Local stakeholders refer to OGP as a relatively minor instrument supporting Albania's journey towards European Union (EU) accession and democratization. OGP is part of a much broader process of change, and its pro-reform instruments and spaces coexist with many others. While sometimes OGP appears to reinforce those processes, stakeholders often question the concrete value add of the initiative vis-à-vis alternatives.
- 2) Some leaders within government leverage OGP values in order to signal that they are committed to adopting anti-corruption and transparency norms in line with the EU and its accession requirements – even though these requirements are not formally tied to OGP.
- 3) Along these lines, the government and its international partners, including the US Embassy and others, have driven the open government agenda in Albania. The vast majority of OGP commitments were already part of pre-existing government plans, and were chosen with respect to existing funding arrangements with donors. The Ministry of Innovation and Public Administration and some line ministries are the few departments in the government that are explicitly working on OGP.
- 4) Grassroots actors and formal civil society have played a comparatively small role in open government reforms. The navigational expertise of

CSOs based in Tirana has improved. Grassroots CSOs' navigational expertise has not improved, nor has CSOs' ability to engage in productive collective action on open government issues. Even those few CSOs working on open government issues do not view OGP as a potentially useful platform, and awareness of how OGP might support local civil society organizations is very limited. This means that, though CSO participation in OGP has improved over time, and some organizations have supported OGP-related conferences organized by the EU, the UN, and the US Embassy in Tirana, civil society is largely uninvolved with implementing and monitoring OGP commitments.

- 5) Similarly, to date public officials and civil society activists have continued, in the main, to lack awareness of OGP and OGP processes.
- 6) OGP processes have given international partners a window through which to provide technical advice on open government to the Albanian government. That advice does not reshape the open government agenda so much as underpin existing efforts. As a result, it boosts stability, rather than fundamental democratic reform, in the country.

II. Introduction

This case study explores whether and how open government reformers in Albania have leveraged the processes, spaces, and resources of the Open Government Partnership to make Albanian governance more responsive and accountable. Specifically, it examines how OGP has informed ongoing processes institutionalizing open government in the country, as well as the initiative's influence in a decentralization reform undertaken by the government.

This study used process tracing to carry out within-case analysis based on qualitative evidence (Collier 2011). This means that the analyses pay close attention to the sequential, fine-grained systematic description of the Albanian open government journey. The analysis also considers alternative causal mechanisms (the roles of leadership, learning that improves pro-reform actors' navigational expertise, and coalitions and collective action) by which OGP may have contributed. The analytical tool was adapted in consideration of the contextual limitations (e.g., the novelty of the phenomenon under study), the research time frame (4–6 weeks of fieldwork), and the needs and interests of the project's non-academic target audience.

The following section (III) gives a historical description of the political context and resources in play prior to Albania's entry into OGP. Sections IV and V examine in greater detail two key areas for open government in Albania: the institutionalization of the broader open government agenda after the collapse of communism in 1990; and the decentralization of local government units, a longstanding reform initiative which was included as a commitment in Albania's second National Action Plan. Section VI rethinks the country's OGP journey in light of these findings, and Section VII presents recommendations tailored to key stakeholder groups who may be interested in leveraging OGP inputs as effectively as possible.

The main insight of this analysis is that OGP has been, to date, primarily an instrument by which Albanian government officials have signaled that they are committed to norms like anti-corruption and transparency. These norms and the reforms associated with them are relevant to Albania's engagement with the process towards membership of the European Union and consistent with the agenda of its international development partners. Nevertheless, the expectations associated with OGP's theory of change – that it could help empower pro-reform leaders, improve the ability of reformers to navigate complex policy environments, or strengthen coalitions in support of open government – have not yet been realized in practice.

III. Open Government Landscape: Contextualizing the OGP Journey in Albania

Due to the harshness of the regime installed in the country and the lack of organized opposition, Albania was the last east European nation to break away from the communist system. Moreover, Albania lacks a democratic tradition: before the early 1990s, the country had suffered under autocratic regimes since 1912, when it became independent after almost five centuries of Ottoman occupation. The xenophobic communist rule established after the Second World War imposed rigid control over virtually every aspect of society. Based mainly on political rather than pure economic strategies, the system isolated the country from the outside. Despite the fact that the regime claimed that power belonged to people, political decision-making was totally centralized in the hands of a small group of communist leaders.

In the early 1990s, Albania ended 46 years of communist rule and established a multiparty democracy based on a western model of political pluralism and a market economy.¹ Deliberate programs of economic and democratic reform were put in place, but the lack of strong institutions and inexperience derailed many of them. Further, Albanian citizens of this nascent democracy lacked traditions in political activism and political participation. Civil society was not present.² In 1997 the country faced social and political unrest that effectively wiped out any achievements of the fragile democracy and forced it back to year zero.³

Since then, the government's commitment to integration into EU-NATO structures has served as the main driving force for the democratization of Albania. Political elites have sought to embrace a western model of democracy, irrespective of its suitability in an Albanian context.⁴ International partners, including the EU, the UN, and the US embassy, have supported these efforts, but in doing so they have focused most on stability, rather than radical democratic transformation. As such, these partners have worked primarily with the government, not citizens. This has had two consequences: first, civil society has had limited outside support; and second, Albanian governments have sought legitimacy in the affirmations of international partners at least

¹ The republic of Albania is a parliamentary democracy with a population of approximately three million. The constitution vests legislative authority in the parliament, which elects both the prime minister and the president. The prime minister heads the government and the president has limited executive power.

² According to Fatos Lubonja, analyst and expert on political science.

³ At the end of 1996, money invested by Albanian citizens in pyramid funding schemes nominally accounted for almost half of the country's GDP. When these collapsed at the start of 1997 almost two-thirds of the population lost their money and the government fell. As consequence, the country descended into anarchy and a near civil war in which some 2,000 people were killed. Source: <http://www.imf.org/external/pubs/ft/fandd/2000/03/jarvis.htm>.

⁴ The political elites have embraced this model without any critical thought as if Albanian society is entirely able to adapt to this model and what it can bring. As Lubonja has mentioned, "We have adapted any system in its extreme way, as it was the case of communism system."

as much as those of their citizens. Governments have sought reform in order to accord with the priorities of partners and funders, and international partners have provided key technical assistance for a variety of reform efforts.⁵

In this context, Albania has made progress towards democratization. It has multiple political parties and has seen two peaceful changes in the ruling coalition (2005 and 2013). It also has a relatively unconstrained and independent media (see Table 1 for a summary of Albania's governance and development indicators).⁶ Albania has strengthened the rule of law, implemented reforms on the judiciary, carried on the fight against corruption, and developed a legal and institutional framework on human rights that broadly corresponds to European pre-conditions for accession to the EU.⁷

These efforts eventually resulted in Albania's admission to NATO in 2009 and the achievement of EU candidate status in June 2014. They also set the context for Albania's entry into OGP in 2011 – a decision made by Prime Minister Berisha from the Democratic Party (DP). The 2013 political transition and the establishment of a new ruling coalition led by the (SP) Party did not weaken political commitments to the EU accession process or to OGP.

The state of civil society in Albania is evolving – it has a score of 3.8 on USAID's CSO Sustainability Index,⁸ which may improve in the near future.⁹ Civil society groups remain fragmented and overly dependent on funding from foreign donors.¹⁰ Citizens are generally uninvolved in civic life.¹¹ A recent report by Partners Albania (2014), for example, states that despite recent improvements in the way the Agency for the Support of Civil Society engages with CSOs, serious issues remain.¹² CSOs themselves are often opaque in their activities and funding streams.¹³

Despite this positive trajectory, Albania's democratic institutions still lack effectiveness and stability. Political dialogue remains confrontational and some sources report that it does not always support the democratic spirit.¹⁴ Much remains to be done

⁵ Fatos Lubonja.

⁶ US Department of State, Human Rights Report, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

⁷ European Commission Memo 10/553, November 9, 2010.

⁸ USAID CSO sustainability report 2014. USAID measures the performance of CSOs by scoring eight components. Scores of 1-3 mean that sustainability is enhanced, 3-5 means that sustainability is evolving, and 5-7 means that sustainability is impeded. Albania's scores on the index slightly improved between 2004 (3.9) and 2014 (3.8). Though the EU Commission emphasizes the critical role of civil society in meeting the key priorities of the EU accession process, civil society in Albania has not been strengthened. Organizational capacity and advocacy have improved by 0.1 points, and the public image component has improved by 0.5 points, but financial viability has deteriorated.

⁹ See Annex 2 for an account of a recent law passed in November 2015 to address civil society – government relations.

¹⁰ Albania Progress Report 2014, European Commission.

¹¹ Nations in Transition 2011, Freedom House Report.

¹² Partners Albania, Towards a Sustainable Society, March 2014. Accessed at <http://issuu.com/partners-albania/docs/march2014>.

¹³ Ibid.

¹⁴ Nations in Transition 2011, Freedom House Report.

to promote a transparent, accountable, participatory, and responsive government. The question this study explores is whether and how OGP's inputs have informed Albania's ongoing open government journey.

Table 1: Country Indicators

Indicator	Value	Year	Source
Population	2,894,475	2014	World Bank
GNI per capita	\$4,460	2014	World Bank
UNDP Human Development Index	H-716 Rank 95 of 187	2013	http://hdr.undp.org/en/data
CSO Sustainability Index	3.8	2014	The 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia
Fiscal Transparency	The US Department of State assessed Albania as meeting the minimum requirements of fiscal transparency for FY 2014	2014	
Corruption Perceptions Index 2015	Rank 88 out of 168 Score 36 out of 100	2015	Transparency International

IV. The Institutionalization of the Open Government Agenda in Albania

This section examines the institutionalization of the open government agenda in Albania across three key dimensions: scope, sustainability, and state–civil society decision-making. The analysis provides enough insight to conclude that the primary pro-reform actors supporting an open government agenda are high-level government officials, such as the Prime Minister and the minister in charge of implementing of OGP national action plans. External actors such as EU partners and the US Embassy are also critical to understanding Albania’s open government journey.

These stakeholders used selected OGP inputs to advance reform initiatives that were already underway, all with a view towards demonstrating the government’s willingness to fight corruption and improve transparency.¹⁵ It is important to note that unlike the anti-corruption principles set by the Council of Europe’s Group of States Against Corruption (GRECO), OGP commitments are not part of the documents that make up the accession acquis. This means that the signaling power of an OGP report or activity is arguably lower than that of alternative international actors also supporting these agendas.¹⁶

OGP has not, on the other hand, served as a lever for CSO activists working on open government issues, except for in a few cases with the support of donors. The EU delegation, for example, supports some CSO activities that overlap with OGP. We can therefore conclude that the actors that matter most in the open government agenda in Albania are the government, and international partners like the EU,¹⁷ the US Embassy, and foundations such as OSF, that can support and press CSOs to improve their technical expertise on open government issues.¹⁸ To them OGP is one of many tools available on a longer journey to EU accession.

¹⁵ International reports from the EU and World Bank strongly recommend that the government take concrete action to fight corruption, because the perception among citizens of corruption has increased over years.

¹⁶ Albania joined GRECO in 2001. The GRECO agenda focuses on technical anti-corruption approaches, whereas OGP takes a more general approach. Fourth Evaluation report for Albania, March 2014, <http://www.coe.int/t/dghl/monitoring/greco/evaluations/>.

¹⁷ Interview with Mr Stefano Calabretta, Programme Manager for Civil Society, EU Delegation in Tirana. The EU is supporting the Government by providing sectoral budget support on 1) public financial management and 2) public administration, both of which have a link with OGP. The EU is supporting CSOs at the local level to fight corruption by monitoring local governance.

¹⁸ The support donor that provides a concrete example in the preparation of the Access to Information Law is OSF. The civil society support for the Access to Information Law and On Notice and Consultation entirely came from international partners such as OSF, which hired the experts and prepared the draft Law. The laws were then adopted by the current government. A second concrete example is the process of the drafting the reform of judiciary. The ad hoc commission at the Parliament for this reform has been supported by the expertise of OSF in close collaboration with the EU delegation and the US Embassy in Tirana. However, this process does not have political consensus. It seems that this lack of consensus has also become a concern for journalists without any presence of civil society. Journalists are raising and articulating for the first time the issue of legitimization of this process. Is this process led solely by international experts in close collaboration with the government? Is it, without any political consensus or participation, the only way to produce the right decision?

IV.1 Scope of the Open Government Agenda in Albania

The e-government agenda pre-dated Albania's OGP membership. E-government was promoted by the Albanian government elected in 2005 as a priority within its framework for introducing new technology and innovation to improve transparency and fight corruption. The government announced the national program "Digital Albania" as one of its major projects, reaffirming its commitment to move forward with a knowledge-based economy based on an Information Society.¹⁹ In 2007, it demonstrated its interest in the digitization of public services by starting to set up institutions such as the National Agency for Society Information (NAIS). This spirit continued to imbue new government programs in the period from 2009 to 2013, a time in which the use of new technologies was seen as a means of fast tracking development. This focus on e-government as a key component of the open government agenda has not changed since Albania entered into the OGP.

In 2011, Albania joined the Open Government Partnership and accepted the obligation to draft its first National Action Plan. The government established an inter-ministerial working group (IWG) chaired by the Ministry of Innovation and Technology (since renamed the Ministry of Innovation and Public Administration), which is responsible for coordinating and ensuring the action plan's implementation.²⁰ The first action plan was submitted by the IWG, after a consultation with some CSOs, as well as experts from the Open Societies Foundation, Albania (OSF). The plan substantively reflected the nature of the open government agenda: 60% of the 30 commitments focused on technological innovations for transparency and accountability (for instance seeking to improve public service delivery by creating online portals and an e-procurement platform); 50% addressed access to information; and most addressed public integrity in some fashion.

During the implementation of the first NAP in the DP government, only high-level policy-makers and government IT specialists were aware of OGP. Mid-level officials, such as directors in the government, were not aware of the open government agenda, nor were they aware of the meaning of open government or the added value of OGP. In fact, most of the first National Action Plan commitments that were implemented had to do with e-government, and progress was achieved through posting online government information and services.²¹ The commitments that failed were more complex, and politically sensitive. They include new access to information and consultation laws, as

¹⁹ The Republic of Albania Action Plan Open Government Partnership Initiative, April 2012

²⁰ Other members of the IWG include officials from the Ministries of Finance; Agriculture; Social Welfare and Youth; Interior; Environment; and Economy, Development, and Tourism.

²¹ Albanian Mid-Term Self Assessment report, October 2015, 1.

well as unifying tax systems online and setting up budget systems for government institutions. These commitments, which would have more substantially expanded the scope of open government, were not achieved for three main reasons: technical expertise within the bureaucracy was lacking, insufficient money was allocated, and state institutions failed to coordinate effectively.

In 2014, after completing the consultation phase, the Albanian government adopted its second action plan. As recommended by civil society, the number of commitments was reduced, in order to encourage more consolidated and feasible actions. Again, many of the commitments are in line with major reforms endorsed by the government and do not substantively change the focus of the national open government agenda. Passing these reforms requires a majority in parliament, which the government currently enjoys. Now, under the new SP government, awareness among mid-level officials has improved, and they are increasingly linking open government to OGP. In many cases, the discussion is now about why OGP is even necessary if the Government of Albania is already mainstreaming the open government agenda into reforms. Indeed, public officials consider OGP to overlap with programs that are already being implemented within the framework of the EU integration process, and in cooperation with other international institutions.

Broader EU accession-related priorities and the interests of international development partners have also influenced the parameters of the second action plan and, more generally, the scope of the open government agenda. Recall that these stakeholders have not generally prioritized transformative change in their national strategies – instead, they have promoted stability. The IWG prioritized commitments in the national action plan that harmonized well with a considerable number of objectives already part of the cross-cutting strategies of partners, including the EU. These, and the priorities of the Albanian government’s National Plan for Integration (2015–2020) are in line with key EU integration priorities. The plan includes commitments to access to information legislation and whistleblower protections, both of which are commitments in the OGP National Action Plans.²² To further illustrate the limited function of OGP in shaping the country’s open government agenda, it is important to note that the OGP platform was not instrumental in mobilizing additional resources for implementing commitments. In general, first National Action Plan commitments were already part of agreements with international development partners, who had already agreed to provide financial resources to achieve them. For instance, one of the most important achievements reported by government officials and CSOs during the interviews conducted for this study was the preparation and adoption of the draft law on “Access to

²² Ibid.

Information.” OSF vocally supported this reform prior to Albania’s membership of the OGP. Similarly, many commitments in the second action plan were already part of programs undertaken in close collaboration with the World Bank. Once the government began to adopt these reforms, international donors provided financial and technical support. Their support helps implement the OGP commitments.

Seen in this light, OGP has not substantially advanced the scope of the open government agenda. Most of the reforms undertaken thus far would have occurred anyway, and OGP provided leverage primarily to the government, which was able to use it to demonstrate its good governance commitments to international institutions, including the EU and other donors.

IV.2 Sustainability of the Open Government Agenda in Albania

The sustainability of the relatively narrow open government agenda in Albania has remained consistent. Indeed the sustained continuity of the country’s priorities in this space (largely focusing on e-government and transparency/anti-corruption), which have persisted across a change of government, is a key feature of Albania’s open government experience. This persistent attention to at least some open government issues is a product of Albania’s long-term, high stakes effort to join the EU.

Albania’s quest for EU accession means its open government priorities align with those of its international partners. The US Embassy and the EU delegation have also encouraged successive governments to maintain their focus on such initiatives. It is likely that these political relations and contextual considerations go a long way to explaining why, almost four years after entering the OGP, and after a change in government and personnel in the IWG, the general emphasis on open government issues has remained stable. Like its predecessor, the SP government elected in 2013 was encouraged by international actors to continue existing efforts, both inside and outside of OGP. For instance, as the new government continued work on preparations for the second National Action Plan, the World Bank funded a self-assessment report of the first National Action Plan.²³

The inputs provided by OGP processes, on the other hand, have played little role in sustaining open government commitments. Rather than expanding or deepening those priorities, an initiative like OGP is primarily another vehicle for signaling the government’s commitment to fighting corruption, improving governance, and so on.

²³ As reported by one of the authors Dritan Mezini, interview, August 16, 2015.

IV.3 State–Civil Society Decision-Making in Albania

As noted previously, civil society in Albania has historically been weak, disorganized, and underfunded. As revealed in the EU Commission’s annual progress reports on Albania (which assess how well the country is doing vis-à-vis key priorities for EU accession), despite operating in a generally non-restrictive environment, Albanian civil society faces many challenges concerning capacity, impact, and public credibility.²⁴ The civil sector is composed of small organizations mainly operating in the capital, Tirana, and is characterized by problems with continuity of financing and fundamentally donor-driven agendas. The government and the EU have both taken limited steps to increase the funding and opportunities available to civil society, but problems persist.²⁵

In part as a result of these challenges, the open government agenda was dominated primarily by the government, with some limited participation from civil society at the level of providing expertise for reform efforts. The OSF has played an especially prominent role in this respect. The OSF has long been a key government partner on open government issues, including OGP. Indeed, the former Minister for Innovation and Technology stated that, of all non-state actors in Albania, only OSF was significantly involved in the consultation phase of the first OGP NAP, due to the fact that OSF had built substantial technical expertise by hiring experts during the preparation phase of Access to Information Law.²⁶ The Albania Institute of Science, also a technical expert, participated as well, but less influentially. As a result, when the first NAP was prepared and the Ministry of Innovation and Technology consulted the CSO sector, only OSF contributed to the process. In this way, OSF used the OGP consultation process to build its technical expertise into official government policy.²⁷

By the time of the second National Action Plan launch, in December 2013, civil society organizations had established the Coalition on Open Government Partnership, Albania. The coalition was formed as a result of an EU program geared towards supporting OGP initiatives in the Western Balkans and Turkey.²⁸ Before the creation of this coalition, other than sporadically funded projects on civic engagement and fighting

²⁴ See, for example, EU progress report Albania 2009, or the reports from 2011–2014, which state that civil society is weak and highly centralized.

²⁵ See Annex 3 for more detail.

²⁶ See Annex 4 for more detail.

²⁷ Gent Ibrahim, interview, August 14, 2015, and Ersida Stefa, interview, September 16, 2015.

²⁸ This coalition was a concrete result of EU support on OGP initiatives within the framework of IPA countries (2012–2016) (Western Balkans and Turkey) through the funding of the regional project "Advocacy for Open Government – Civil Society Agenda-setting and Monitoring of Country Action Plans." The other activities of the project focus on mapping OGP as an instrument in the region and across the country. The project aims to monitor the use of OGP values in decision-making as well as raising awareness on OGP values and training the local CSO. As mentioned in the report "Mapping of Open Government Partnership in South East Europe," OGP is almost totally unknown among NGOs. NGOs lack information about OGP’s initiatives and values, and even when they are aware it is about OGP as tool for funding. The lack of a clear program or strategy on OGP initiatives for supporting CSOs is one of the bottlenecks arising from not using the space created by OGP.

corruption CSOs had shown little interest in open government issues. The coalition affirmed its commitment to the objectives of the OGP and to supporting the emergence of a more transparent, more accountable, and more responsive government. The coalition also pledged to work to improve the quality of governance and the quality of services that citizens receive.²⁹

The CSO Coalition was led primarily by the Institute for Democracy and Mediation (IDM) and involved CSOs that had expertise on good governance issues and had also successfully navigated the funding environment with international donors. IDM led the coalition in order to demonstrate how such a body, combined with OGP, could be useful in furthering the open government agenda. The coalition was composed of nine organizations, all of them located in Tirana, and was formed expressly to support the second National Action Plan consultation.³⁰ It is the only OGP-related project directly funded by the EU Commission in Albania. This might mean that if the EU is interested in supporting OGP, it does so primarily on the CSO side. In practice, however, the representatives of NGOs admitted that this coalition's work was limited to making a few common declarations. During the interviews undertaken for this study, more than half of the CSO representatives involved in the coalition admitted that they were not very active in systematically promoting the values and objectives set forth in the coalition's joint statement, which had been signed into the framework of OGP. They admitted that they were able to promote OGP values in their daily activities only in sporadic cases.

This is the result, interviewees claim, of a mismatch in priorities. CSOs and donors both agree that Albanian CSOs develop their agenda and activities in light of the available funding opportunities. Because not many donors make concrete involvement in OGP a notable priority, CSOs fail to show much interest in the overall OGP processes, including the implementation of its commitments.³¹

To illustrate this point, consider the following example: only three Tirana-based CSOs were present during the Regional Conference on Open Government, Engaged Citizens, held in Tirana on September 10–11, 2015. Of those, only two were relatively active during the session on CSO opportunities related to OGP. In contrast, a relatively large number of CSOs from other Balkan countries traveled to join the conference. This regional event, a form of an OGP input, demonstrates the low interest Albanian CSOs

²⁹ CSO Coalition on Open Government Partnership, Albania, Joint Statement.

³⁰ Erisa Lame, national Coordinator of OGP project supported by the EU.

³¹ Dritan Shutina, executive director CO-Plan. Without the EU funded project, CSOs would have had very little involvement in OGP. As it is, the two OGP events organized as part of the project helped the coalition come up with recommendations for the second national action plan, which it then submitted to the government.

have in OGP processes. Their engagement with the second action plan, which was quite limited, occurred only when the government and donors organized events within the consultation framework of the second NAP.

Although on paper more CSOs were involved in the consultations on the second action plan than on the first, there were few substantial differences. The most active CSOs in the coalition were, in addition to IDM, Open Data Albania,³² and Mjaft.³³

These findings are corroborated by the IRM report, which describes in detail the low level of cooperation between the government and CSOs. The IRM report also makes clear that international partners and their grantees were not involved in OGP, even when their projects were listed as formal OGP commitments in the second national action plan. For example, the senior representatives of the USAID-funded program “Albanian Justice Sector Strengthening Project” (JuST), which was producing audio recordings of judicial hearings, were unaware that their project was made a commitment.³⁴ So nominal participation in the consultation phase did increase, as did awareness, but significant participatory deficits continued to mar the consultation process. Beyond these limited consultations, civil society played very little part in Albania’s OGP experience.

We can therefore conclude that a minor improvement in engagement between government and civil society on OGP has occurred.³⁵ Thanks to the creation of the coalition, which was funded by the EU, awareness of OGP has increased very slightly, and CSOs have begun to consider that OGP participation might lead to more funding opportunities. However, there has been no structured follow up to the recommendations made by the Coalition during the consultation, and CSOs have not been included in the monitoring or implementation of any commitments. This latter point is due to a deficit of funds, human resources, and expertise within civil society.

More broadly, OGP has done little to affect the prevailing government–civil society dynamics in Albania. As continually repeated in EU progress reports, no formal mechanisms for formal consultations exist. Cooperation on open government issues remains weak, and does not extend beyond the capital.³⁶ Local government appears, by and large, to lack interest in both cooperation and open government.

³² The aim of Open Data Albania is to make available in open source all administrative data in Albania.

³³ The aim of MJAFT is to increase the citizen’s voice and to monitor the Albanian Government’s program. Founded ten years ago, this organization has been supported by OSF for long time. All former founders are now part of the Government of Albania. They are very active in political life as ministers, vice-ministers, the Mayor of Tirana, and so on. They represent the pro-reform actors.

³⁴ IRM report, 17.

³⁵ Angelina Postoli, director of programme of small grants and democracy at US Embassy.

³⁶ See Annex 5 for an exceptional case in which civil society successfully pressured the government on a non-open government initiative.

Table 2: Institutionalization of the Open Government Agenda in Albania

	Pre-OGP	Entry of OGP	3–4 years after OGP
Scope	Transparency, fighting corruption and digital government are part of the Albanian Government's program 2005–2009, largely in response to foreign pressure.	Transparency, fighting corruption and digital gov. incorporated into the open government agenda by establishing the Coordinated OGP mechanism within the Government. Still in response to foreign pressure.	Transparency, open data, fighting corruption remain key open gov. policy areas.
Sustainability	Stability is fostered by interest in integrating country into EU.	Stability is achieved by the commitment of the Government of Albania toward EU key priorities; access to Schengen obtained.	The open government Agenda was endorsed by new Government.
State–civil society decision-making	Government–CSO coordination mechanisms are weak and fragmented	CSOs are small organizations rarely consulted in policy making and have low visibility in public life, with citizens generally apathetic and distanced from civic engagement	Minor improvement on the role of CSOs. Some consultation mechanisms in place. Set-up preparation for the National Council for Civil Society. CSO consultations on the second NAP increased, but in practice CSO coalition does not coordinate/act sustainably Paradoxically OGP has an accountability/ legitimacy deficit

IV.4 The Role of Donors/International Partners in Albania's OGP Experience

The preceding narrative explores how influential donors and international partners have been in Albania's ongoing open government journey. The US Embassy, the EU, and the World Bank have all aimed to support political, economic, and social stability in Albania, as well as the broader Balkan region. As such, they have perhaps been the key drivers

of domestic actors, including the government and civil society, to engage with and work on open government issues.

The EU delegation in Tirana and the US Embassy have been supportive of Albania's OGP participation. Both have publicly backed the government during several events, and the US Embassy has held periodic meetings with officials about progress on OGP, and monitored how the government has fared on implementation. According to the director of a small grants program promoting democracy, OGP inputs (such as participatory meetings in communities, activities for noting the corruption of public officials/websites, surveys on the perception of corruption, etc.) can be useful for project implementation. The director also acknowledged that, in many cases, EU officials have also sought to promote the use of those inputs.

In terms of funding, however, not many new resources have been allocated to the open government journey through the OGP platform. On the contrary, the platform is built on preexisting financial commitments and strategies. The EU, as mentioned above, funds only a relatively small, short-term project explicitly linked to OGP. USAID has not yet directly financed OGP commitments targeting civil society. USAID in particular supports local government CSOs on decentralization reforms, which, as will be seen in the following section, is the explicit focus of one of the commitments on the second national action plan.

UNDP more actively supports the Albanian government's commitments made under the second National Action Plan. The rationale behind UNDP's interest in supporting the government and civil society on these commitments, which mainly deal with reducing corruption and improving transparency, lies in its principles and values, as well as these commitments' compatibility with its own working plans made with the Albanian government and civil society. It is also worth keeping in mind that the UNDP itself is financed by some of the international partners, such as USAID, as well as several EU countries.

The government is mindful of these priorities, and pursues actions accordingly. CSOs do so as well, but due to their lack of expertise, their partisanship, and the government's lack of interest in substantial coordination, engagement remains limited.

Seen through this lens, it is clear that accountability politics in Albania is complex. The Albanian government, regardless of which party is in power, has engaged in some open government initiatives. Having been voted into power by citizens, in part on the basis of its pro-EU stance, the governing coalition is committed to participating, or at least signaling its participation, in the EU accession process. That process is one

that, in Albania as elsewhere, requires strict adherence to requirements set by international partners and donors.

Professional civil society groups, to the very limited extent that they do so at all, pursue open government as a means of procuring funding support from donors that are also committed to the EU accession process. OGP is part of this broader issue, though because it is not especially well known it occupies a place on the sidelines of this system. Potential causal mechanisms associated with OGP (the empowerment of pro-reform leaders, improving navigational expertise, and rebalancing power) are largely absent.

In sum, OGP, in so much as it has been leveraged at all in Albania, is largely a signaling tool for a government that cares about its pro-transparency and anti-corruption reputation because of that reputation's relevance to the European Union accession process. The scope of open government in the country continues to be set by a combination of priorities that flow from the EU accession mechanisms. The sustainability of the agenda has not notably changed because of OGP, and though civil society–government relations have improved marginally due to the use of OGP consultations, they continue to be less than robust. In the next section, we explore how OGP has been of use (or not) in a concrete reform process, decentralization, in order to lay bare more clearly how the initiative is informing on the ground reforms in Albania.

V. OGP and Decentralization Reform in Albania

In this section, we examine whether and how OGP inputs have factored into the implementation of a 2014 decentralization initiative meant to reform Albania's territorial and administrative divisions. This reform, undertaken in the context of poor and fractious governance at the local level in Albania, was included as a commitment in Albania's second OGP National Action Plan, and as such provides a key window into how OGP inputs have shaped an effort to boost open government at the local level. In spite of this inclusion, apart from mentioning OGP values in the formal Strategy of Decentralization for Local Government Units, the reform effort has not been affected by OGP. As an expert on local governance states, "process of consultations with citizens was conducted, but the real effect of this process in order to bring the bottom-up perspective into the draft reform is unclear, because the reform had a high level of political influence."³⁷

This experience is indicative of the way members of government, as well as some donors, have promoted OGP processes, such as consultation meetings with local stakeholders and communities, without substantially influencing the delivery of open government outcomes. Indeed, in an effort to bring Albania more in line with international standards, both in terms of the desired reform and the process for achieving it, international partners like UNDP spearheaded the reform process. On the other hand, the government leveraged the reform's inclusion in OGP in order to obtain legitimacy in the face of fierce political opposition, and to gain more support for a domestic policy initiative that might deliver electoral benefits in the future.

Local governance in Albania is marred by many issues: poor human resources management, poor budgeting, strong partisanship, and weak linkages between authorities and civil society, as well as citizens, all affect the quality of local government.³⁸ Given these facts, the need for administrative and territorial reform has been part of longstanding efforts, beginning in 2001, to establish functional and democratic local authorities. Many pro-reform actors, especially international partners, have played a crucial role in promoting and providing continuous technical expertise in order to enable progress on this reform, one of the main motivations for which has been the need to improve service delivery by increasing accountability. Donors have also supported decentralization because it was one of the preconditions for EU integration and accession.³⁹ Nevertheless, reform efforts dating back to the late 1990s have failed politically, as competing parties jockey to maintain and win electoral advantage at the

³⁷ Dritan Shutina, decentralization expert.

³⁸ Report progress 2014.

³⁹ Ibid.

local level.⁴⁰ Despite the pressing need for improvements in the performance of local authorities, the lack of transparency in local government decision-making, and the absence of state-citizen coordination at the local level, political friction between the DP and the SP has stalled reform.⁴¹

Two years after Albania approved its first OGP National Action Plan, the new SP-led majority that emerged from the June 2013 general elections confirmed its commitment to the long-discussed administrative-territorial reform. The new government was finally able to make progress due to its majority in parliament, and it moved forward despite fierce opposition from the DP minority. The DP argued that the ruling party was pursuing the reforms in an attempt to improve its chances of winning subsequent elections at both the local and national levels. The SP's pursuit of the reform broke with previous tradition on this issue, in which the government had not unilaterally pushed through decentralization reform without the support of the opposition. Now, the SP was pushing forward even though its opponents disagreed.

Despite the DP's opposition, USAID, the Swiss Agency for Development and Cooperation (SDC), UNDP, and other international partners all provided technical advice intended to influence and shape the proposed reforms. Indeed, international partners viewed this as a politically opportune moment to move forward on a process they viewed as long overdue. Eventually the reform was approved in July 2014. The Albanian government reported that it had developed a platform for close cooperation among all stakeholders, and that it was aiming for high levels of inclusiveness and transparency. This meant that during the consultation phase for this reform, more than 20,000 citizens; representatives of public institutions, independent agencies, local government, civil society, the private sector, the media; and international organizations and programs all participated in the consultation process.⁴² Resources from OGP (including the CSOs participating in the OGP Coalition) that might have been deployed in support of these consultations, were not used to enable, improve, or learn from these activities. This is indicative of the narrowness of OGP's influence, even on activities it would seem well placed to affect.⁴³

UNDP supported the reform by providing technical assistance through two CSOs, Partners Albania and the Institute for Public and Private Policies. Partners Albania also participated in the consultation meeting held to discuss the second NAP.

⁴⁰ See Annex 4 for additional background.

⁴¹ EU Progress Report 2012.

⁴² <http://www.reformaterritoriale.al/en/>.

⁴³ As noted, the goal of the new reform was to address important shortcomings, including the fragmentation of local government, lack of efficiency in service provision at the local level, and an inability to support local economic development. The reform intended to maximize efficiency and good governance, and empower local and regional governments, along with citizens and communities, to incorporate transparency and accountability, two main principles of OGP.

With UNDP's assistance, both of these CSOs organized participatory meetings in order to review the territorial divisions of new local government units. These organizations were selected by UNDP after an application process. It is important to underline that these kinds of participatory meetings are part of an obligation laid out in the Albanian Constitution, and are independent of and predate OGP in Albania. UNDP supported the consultations and provided the minister in charge of local government with a report on their results at the regional level.

In 2014, IDM, the leading actor in the coalition of CSOs mentioned in the previous section, proposed that the decentralization reform be included as an OGP commitment in the second National Action Plan. For various reasons the coalition made this recommendation during the consultation phase of the action plan cycle. The first was that there was clearly a political opportunity for this type of open government reform, given the government's ongoing efforts. The second was that the expert working with IDM on the OGP consultation process was appointed as an advisor to the Minister of Local Government, who was charged with drafting and starting the implementation of the decentralization strategy. The advisor may have thus had an opportunity to advocate for OGP values in the proposed reform measure.⁴⁴

The third, and perhaps most important reason, is that, according to experts involved in drafting the decentralization strategy, an OGP commitment was seen by the government as a means of satisfying demands by international partners, especially UNDP and USAID, that the construction of the strategy be participatory. Inclusion in the national action plan did not change the substance of the proposed reform, but primarily signaled that the government was collaborating with civil society. This means that the government's priorities, as well as the funding environment facilitated by donors, created opportunities and incentives for IDM, and others, to engage with pre-established plans. OGP inputs did not help local actors set the reform agenda, but became a vehicle through which to pursue an already defined set of actions. The inclusion of the reform in the action plan provided open government reformers with little additional leverage, and was not especially influential.

The confluence of these factors resulted in the National Decentralization Crosscutting and Local Government Strategy 2015–2020, which presents a comprehensive approach to decentralization and strengthening local governance. This strategy is in line with the principles of the European Charter of Local Self-Government and with the principles on local governance enshrined in the European Administrative

⁴⁴ The adviser of Minister of Local Government Mr. Enea Hoti was a former employee of IDM. We asked him directly about the process of including OGP in the strategy of decentralization, but did not receive an answer.

Space documents, all of which focus on ensuring political, administrative, and fiscal decentralization.⁴⁵ The National Decentralization Crosscutting and Local Government Strategy 2015–2020 refers directly to OGP values (articulated in the framework of the Second Action Plan, on page 33).⁴⁶

The top-down approach of the decentralization reform is intended, in the middle to long term, to transform into a bottom-up process by which decisions at the local level will be made transparently and in a participatory fashion. A CSO representative who conducted the regional consultations reports that in many cases, the desires citizens expressed (such as improved accountability and participation) were very much in line with OGP values,⁴⁷ although OGP itself has not been instrumental in embedding those values in the decentralization process. For instance, citizens were interested in increasing the transparency and efficiency of service delivery and boosting the accountability of local government employees. By hosting and reporting on the regional consultations, Partners Albania and the Institute for Public and Private Policies played an integral part in developing the decentralization strategy, as did UNDP, which funded their activities.⁴⁸ Note that Partners Albania was also involved in the OGP consultations (because its interest in open government overlapped with OGP), but it devoted far more of its energy and resources to decentralization than to the second action plan's consultations, in large part because UNDP provided concrete funding opportunities for the former, and fewer incentives existed for the latter.

Other organizations and experts with a track record of working on local government issues also consulted on the decentralization strategy. These CSOs have been supported financially by donors, and have prepared a technical guide in order to provide evidence and technical information to support the Government in preparing the new territorial administration divisions. The OGP Support Unit, on the other hand, was not in the same financial position to provide financial assistance to encourage CSOs to engage with the national action plan cycle, or with the implementation of commitments, and therefore its participation there was more limited.

That said, it is important to underscore that, though formal consultation procedures were respected, feedback from the consultations is not guaranteed to shape the implementation of the territorial reform. In October 2015, the Government closed the consultation phase for the new organic law, which will define the organizational and functional responsibilities of local government units. It seems that the only actors who

⁴⁵ The National Decentralization Crosscutting and local Government Strategy 2015–2020.

⁴⁶ See Annex 4 for additional information on the details of the Strategy.

⁴⁷ Statement of Klotilda Tavani, expert on consultation meeting.

⁴⁸ The National Decentralization Crosscutting and local Government Strategy 2015–2020.

provided recommendations that were actually incorporated into the implementation plan were again from the international community. International actors made recommendations that are in line with their programmatic interests, and that are compatible with their strategy of cooperation with the Albanian government. CSOs may have provided some minor inputs that were taken up, but even these occurred only through the channels of international partners.⁴⁹ OGP inputs, such as the national action plan cycle and consultations, were of limited value. The interest in decentralization reform came from the top down, stemming from international partners who wanted to make sure Albania was meeting international standards. OGP inputs were leveraged only in as much as they enabled some high level technical experts, such as the IDM consultant, to give some feedback on the draft decentralization law.

In practice, therefore, the eventual adoption of the decentralization strategy was strongly affected by political calculations that supersede both the regional and the OGP consultations. An expert on OGP in Albania, for example, argues that the current government never mentioned OGP or OGP values in its general political discourse on the decentralization reform.⁵⁰ Again, even on issues directly connected to open government, the priorities of donors and international partners, who set the requirements on the path towards EU accession, appear to take precedence.

This experience shows that the primary factors that have influenced the territorial administrative division reform in Albania include:

- Political dynamics, including the government's incentive to improve its electoral position, as well as its desire to convince international donors and partners that the proposed reform was being accomplished via legitimate means;
- The agenda set by donors and international partners, to whom the Albanian government is accountable because of the EU accession process, and with whom both government and civil society try to curry favor in different ways; and
- The obligations laid out in the Law on Consultations and Notice, which was prepared and approved after having been included as a commitment in the first OGP National Action Plan in Albania. The obligations laid out in the Albanian Constitution, which names decentralization as a guiding principle, were also involved. This

⁴⁹ The lead researcher was part of this consultation process through the SDC (Swiss Agency for Cooperation and Development).

⁵⁰ This source requested anonymity on this point.

principle is in line with the open government agenda, and overlaps favorably with OGP, but there is no causal relationship linking these processes.

In the case of Albania's planned decentralization reform, OGP provided scant leverage to open government reformers. The agenda of the reform was set primarily by the government in response to the interests of international partners, as well as for domestic political advantage. Civil society, despite the reform's inclusion in the second national action plan, played only a minor role in the design of the reform. In sum, the reform likely would have differed little even in the absence of OGP, which, if anything, may have reinforced existing power dynamics that privilege the role of donors instead of civil society and citizens.

VI. Rethinking Albania's OGP Journey

Given what this case has, to this point, covered, how has OGP enabled Albanian reformers to promote accountable, open, and responsive governance? How have the causal mechanisms associated with OGP's theory of change, including the empowerment of reformers, coalitions that rebalance power, and learning to navigate political context more effectively, been at play in Albania? Would Albania's open government journey have been different without membership of the OGP?

To answer these questions, this case has traced the actions and decisions taken by key actors in Albania throughout the country's OGP experience, as well as through the drafting of a long discussed decentralization reform. We argue that, to date, given the political dynamics of Albania's EU accession process, as well as its uniquely post-Communist society, OGP has not really served as a platform from which to improve participation or accountability. Even when linked to open government reform programs, OGP's usefulness has been limited. Outside of the constrained role of consultations around national action plan cycles, OGP inputs have not substantially influenced the open government landscape. The needs of the EU accession process, the electoral constraints on governments elected in part on the strength of their pro-EU positions, and the priorities of donors seeking to support those processes, continue to drive the open government agenda in the country, and government actors align their domestic political priorities with those of donors, while domestic civil society organizations act mostly from the margins. As such, OGP has not fundamentally shaped the institutionalization of the open government agenda in Albania, which primarily results from a compromise between goals related to EU processes and domestic political considerations. This is especially clear in the case of the decentralization reform, which, despite being linked to OGP in a variety of ways, was barely affected by it.

VI.1 Validating the EU Accession Pathway

Albania's lack of democratic traditions and institutions has been a main impediment in promoting collective action and participation around open government generally, and around OGP. Persistently dire economic conditions have not helped either.⁵¹ When the EU accession roadmap was launched in 2001, international donors supported efforts intended to boost public awareness on corruption, accountability, and the lack of transparency. Donors and international partners support political action on these issues, and the government, in response to that support as well as its own domestic political incentives, acts on an open government agenda. OGP inputs, especially national action

⁵¹ According to World Bank and IMF, Albania remains the third poorest country in Europe after Moldova and Kosovo.

plan cycles, have served as a somewhat useful instrument for the government to streamline its actions and demonstrate to the EU its commitment to open governance principles.

High-level officials, that is, signal their open government efforts as achievements for international partners, and OGP works as a validation device – among many others considered in the EU process.⁵² The government of Albania has a particular interest in committing to OGP and to demonstrating its achievements to its international partners. OGP provides concrete opportunities, through the national action plan cycle and its assessments, for achieving concrete results. For the government, it is easier to comply with OGP commitments than to meet demands for reducing corruption and improving transparency through action in the EU's prioritized key areas. It is easier for the government to trumpet its achievements in the OGP, compared to EU commitments, for two primary reasons. First, because the EU accession process is a longstanding project in which many Albanians have vested interests, there are many more stakeholders working on the issue, and many more interests for the government to satisfy. Interest in OGP principles, meanwhile, is confined to a very narrow set of actors. Second, the EU monitoring mechanisms are far stronger than OGP's monitoring mechanisms. This means that the government can more easily report that OGP commitments have been achieved. Because of the lack of broad-based stakeholder involvement and monitoring, civil society and media would be ill-equipped to verify or cast doubt on that claim. IRM reports are not widely read or commented on, and government claims on OGP commitments are not subject to much scrutiny. With EU processes, in contrast, regular progress reports have a huge readership, and political parties, the media, and other experts exhibit much more active interest in the government's achievements across EU-identified priority areas. It is therefore easier to hold the government accountable in these respects.

Indeed, the state's interest in publicizing the achievements of OGP, and in emphasizing the presence of OGP values in domestic legislation and strategies to foreign partners seems to be the most common use of OGP by the government. In general, it is difficult to notice the same level of interest in promoting the public debate with regard to OGP or in challenging CSOs to partner with the government in the implementation of commitments.

This means that initiatives like OGP fit neatly into existing accountability politics, in which the government may be more concerned with donors and external actors than

⁵² Statement of Minister Harito at the regional conference "Open Government, Engaged Citizens" in September 2015, in Tirana: "OGP is helping us to built trust for our citizens".

with its citizens. International partners, for their part, have leveraged OGP principles in the interests of promoting stability in Albania, not for sustaining transformational democratic reform. Mid-level officials, when they are even aware of OGP in the first place, are often unclear as to why OGP is valuable, given the government's existing efforts to promote open government (with which OGP usually overlaps). Reform efforts, mostly independent of OGP, are already underway. The EU considers OGP one of many tools that can support Albania's accession process,⁵³ but OGP otherwise has limited value in an Albanian context for broadening open government reform.

VI.2 Empowering Pro-Reform Leaders?

International partners like the US Embassy, the UN, and the EU delegation in Tirana have also, in some instances, concretely supported OGP programming, but only when that programming overlaps with their existing country strategy documents. The EU delegation, for example, provides support for public events linked to OGP⁵⁴ because of the ways in which OGP coheres with EU priorities in Albania.⁵⁵ The US Embassy and OSF also consistently support some OGP activities, meaning that OGP becomes a vehicle through which these actors can pursue their established objectives, but not a mechanism by which to newly empower pro-reform actors. Indeed, public awareness of OGP remains low, and citizen trust in the government continues to decline.⁵⁶ The primary pro-reform leaders in Albania are in government and in the offices of international partners, as laid out above, and OGP processes and inputs have not served as a platform from which to extend reform impetus past the highest echelons of power in the country. This is clear in both the case of the institutionalization of open government and in the decentralization reform, in which international partners and government continue to exercise most of the power, irrespective of OGP's presence.

In the decentralization reform, for example, the support of international partners gave the government's strategy a legitimacy that enabled it to overcome domestic political opposition. The consultations that took place as part of this reform, both inside and outside OGP, have not had a discernible effect on its contents, meaning that, if anything, OGP has played a small role in helping the government subvert traditional accountability politics. International validation, some of which stems from the reform's

⁵³ Interview with Mr. Stefano Calabretta, Programme Manager for Civil Society, EU Delegation in Tirana.

⁵⁴ Erisa Lame, project coordinator at IDM for the EU regional project on OG.

⁵⁵ Interview with Stefano Calabretta, Programme Manager for Civil Society, EU delegation in Tirana. The most recent national project supported by the EU delegation is on fighting corruption at local level. This project is in line with one of the commitments of the second action plan, which intends to use OGP at the local level.

⁵⁶ According to the results of the third poll conducted by IDM on the trust of citizens in government, Erisa Lame IDM. This report is not published.

inclusion as an OGP commitment in the second action plan, has provided cover for an effort that may not enjoy substantial domestic support.

VI.3 Solving Collective Action Problems?

This study has argued that CSOs, for their part, are largely excluded from open government efforts, a dynamic that persists even in OGP processes. They provide only technical expertise for the government, a role that flows from existing agreements between donors and the government. Civil society activity depends on donors and their priorities, which is part of the reason that CSOs have been mostly uninvolved in OGP consultations and implementation. For example, almost all OGP commitments in the first National Action Plan were implemented solely by the government, and little changed in the second. Complicating these issues is the fact that CSOs themselves show little interest in OGP. In this light, OGP is doing little to help pro-reform actors form useful coalitions with which to pursue deeper open government reforms, as is amply demonstrated by the dearth of local civil society involvement in the decentralization reform. Power remains concentrated in the hands of the government and international actors. A coalition of CSOs was formed to contribute to OGP, but in reality it did not contribute much to the second National Action Plan, outside of being present at some OGP events. The coalition has been weak, and OGP has not created a space for solving collective action problems.

VI.4 Improving Navigational Skill?

In a context in which the goal is to move towards EU accession through stability rather than transformation, the key game in town is the EU process. Over the past two decades, stakeholders have established how to play that game. In Albania, as in other countries that have been through the accession process, elite expert NGOs and public officials (many of whom came from civil society in the first place) are aware of how to get in line with EU standards through short cuts to artificial leverage, minimal deliberation, experimentation, and learning through domestic institutions.

Transformation processes in countries like Albania take a long time.⁵⁷ All short term deliverables, including but not limited to those in OGP NAP processes, are just one among many steps in that long-term process. They are not woven into democratic processes, nor do they automatically transform democratic structures, or help local stakeholders navigate democratic politics towards drastic change.

⁵⁷ http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1599606.

This study therefore finds that, in Albania, OGP has played at most a minor role in supporting the work of open government reformers. If anything, it has served as a validation mechanism for the government, through which it can signal its readiness for EU integration and good governance reform to international partners, as well as secure its domestic political imperatives. Those international partners support OGP activities when they overlap with their own priorities, but the reach of OGP barely extends beyond the higher echelons of government. Civil society, outside of some minor participation, is mostly uninvolved in OGP. As such, had the initiative never entered Albania, not much would be different in the open government landscape.

VII. Recommendations for Key Stakeholders

a) OGP international Secretariat and Support Unit

The OGP framework should explicitly support more substantive engagement between government and civil society. The evidence shows that, in Albania, without donor pressure, civil society is mostly uninterested in working on OGP. Given the scarcity of funding available for CSOs, they usually work on issues set by donors, becoming service providers rather than good governance activists. The Support Unit and the Secretariat should thus consider the power of international partners in Albania, and leverage those partners to build better financial incentives for CSOs to engage in OGP, and in Albania's open government agenda more broadly.

b) International Partners and Donors

International donors should be more receptive to open government issues, and encourage the government to embrace more commitments in the OGP framework in order to promote their overarching goals in Albania. Donors should coordinate and explicitly value OGP principles in their programming to help get civil society more interested in open government initiatives. They can do this by linking OGP to initiatives like the Millennium Challenge Account, which shares many common goals and values with the OGP principles. On the other hand, donors should create substantive channels of communication between the government and CSOs, but prior to that raise CSOs' ability to pressure the government to make the OGP platform part of their strategies. Donors should promote an active role for CSOs, especially in monitoring the performance of reforms and implementation. Donors obviously have a main role in providing financial support, but they should guard for the CSOs in their relation with the government. The government is unconcerned with the general pursuit of open government, and this could be improved through collaboration with civil society. An active civil society sector promoting, monitoring, and advancing the OGP Albania agenda might be in danger if donors decrease their financial support. This research has found that, over 25 years of democracy in Albania, only international donors/forces have provided support to civil society organizations trying to build the open government agenda into reforms. Donors should use their power to incentivize the government to help get civil society more engaged in OGP, at least during consultations, and should impose concrete rules on both the government and CSOs that are outcome-based, not just process-based.

c) Government Officials Responsible for OGP

The government should build NAPs through internal and external consultations, and avoid using OGP simply to satisfy international pressure. They must be able to identify the matching areas of OGP with other major ongoing projects/processes and create a synergy among them in order to improve their effect on the institutions. While the OGP platform will not exist indefinitely, the government should make the best of it in order to shape future policies and programs on its way towards EU integration. The real challenge is how to make sustainable the achievements from the OGP process. Media and the private sector are two important actors that have not so far participated in OGP, and they should be involved in the formulation and implementation of the third action plan. OGP processes should be used as a platform to systematically monitor and regularly update open government and serve as source of technical inputs.

d) Civil Society

The ideal situation is one in which CSOs are the real watchdog of the OGP process and have the driving seat on the OGP, especially in the drafting of action plans and the monitoring of commitments. In Albania, local NGOs, which lack the expertise of those in Tirana, should be brought into OGP processes, and linked to donors so as to build their technical capacity. Grassroots CSOs should tell donors “help us to help you,” and express their commitment to promoting democratic values. To date, civil society has not used the space created by OGP process, because it has seen the OGP process as only an “externally-offered priority” coming from donors. A sustainable way for civil society to use that space is to capitalize on the OGP agenda in Albania, transforming it into its own platform that stands at the heart of civil society’s struggle for transparency, accountability, participatory governance, and a knowledge-based society.

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Annexes

Annex 1: Methodological Note

The methodological approach is based on the systematic tracking of pathways linking pro-reform efforts and changes at country level and the Open Government Partnership's inputs. The use of process tracing as an analytical tool was established in order to increase the analytical leverage.⁵⁸ This means that the researcher times sequences of OGP inputs and events by linking them to the engagement of different actors at national and international levels. The description of the OGP journey in Albania was made through key elements by explaining how those elements have shaped the OGP story.

The research process was applied according to the following steps:

- 1) Literature review (around 20 reports) on the role of national and international actors in the country and the context of formal and informal political actors, institutions, process) and experiences with OGP.
- 2) In-depth interviews with national and international organizations (around 25), donors in Albania working with the government, civil society organizations, media experts, and journalists.
- 3) Meetings to validate the findings from the in-depth interviews (10 Skype calls with team leader and international researcher).
- 4) Review analyses of evaluation reports of international and national organizations working in Albania for specific areas of their contributions (10 reports).
- 5) Assessment of the processes of drafting national strategies and their action plans within the framework of the second theme (2 strategies, 2 draft strategies, 3 laws).
- 6) Observations on pro-reform actors and the policy dialogue on the Regional Conference on OGP held in Tirana, September 10–11, 2015.

⁵⁸For an introduction to process tracing and its techniques, see Collier, D. (2011) Understanding Process Tracing. *Political Science and Politics* 44(4), 823–830.

Annex 2: Background on the Access to Information Situation in Albania

Albania was the first country in the Balkans to provide both constitutional and legal guarantees for its citizens' right to information. The current constitution, which came into force in November 1998, as well as Law 8503 of 1999, Right to Information about Official Documents, ostensibly enshrined the right to information. The key driver of the legislation was international pressure, to which local decision-makers responded with general acceptance.⁵⁹ However, even though several measures were implemented, the absence of a centralized agency designated to oversee the process left early initiatives fragmented. As a result, even now, years later, the full effective implementation of the law on access to information has not been ensured.⁶⁰

Annex 3: Background on State–Civil Society Cooperation

Albania's most recent EU Commission Progress Report notes that cooperation between state institutions and CSOs has improved due to a number of concrete actions undertaken by the government, including a recent resolution that ratified the importance of civil society in the country's democratic development.⁶¹ This action was pursued through a wide consultation process supported by the US Embassy and the EU delegation⁶² in which the government and CSOs agreed to adopt a roadmap for future progress. Then, in November 2015, parliament passed legislation to create a National Council for Civil Society. This law was criticized by the opposition, however, which fears that the new council will be a government instrument for controlling CSOs rather than ensuring their participation in decision-making. This was based on the fact that the council will be led by the Minister of Social Welfare and Youth, and that only elite experts with donor support will represent civil society.⁶³

It is also noteworthy that in 2009 the Government of Albania approved the Agency for Civil Society to financially support CSOs, according to the need for their services and research for policy-makers. The effectiveness of this agency is limited, however. According to the agency, in 2012 only 4.6% of its budget went to supporting the fight against corruption.⁶⁴ In that same year, 17.9% of the budget went to increasing citizen community engagement, and almost 20% was spent on promoting the interests of vulnerable groups.⁶⁵ By 2014, the percentage of the agency's funds spent on fighting corruption had fallen to 2.4%, while only 1.3% of its funds was directed to increasing the

⁵⁹ World Bank report.

⁶⁰ EU Progress Report 2011.

⁶¹ EU Progress Report 2015.

⁶² Angjelina Postoli, director of programe for small grant and democracy at US Embassy.

⁶³ Nevila Xhindi, coordinator of Civil Society at Democratic Party.

⁶⁴ http://www.amshc.gov.al/web/raporte/vjetore/2012/Raporti_Vjetor_2012_shqip.pdf.

⁶⁵ Ibid.

public profiles and influence of civil society.⁶⁶ Substantial financial support for civil society therefore remained somewhat meager. Experts on the issues and a statement from former and current specialists of the agency concluded by saying that those CSOs that received funding have close relations with the government. In many cases the agency has also been tackled by the discourses of political parties.

The EU Commission also provides some financial support for civil society through its instrument for pre-accession assistance (IPA) 2014–2020.⁶⁷ This support is organized across eight priority sectors. Civil society falls under the first priority sector (Democracy and Governance). This sector includes the strengthening of democratic institutions; reforming the civil service and public service delivery; better economic governance; improving public financial management; and empowering civil society (e.g., non-state, voluntary organizations). This support is planned based on the guidelines for support civil society in the period 2014–2020. Two main goals are: 1) achieving a conducive environment for civil society activities and 2) building CSO capacities in order for them to become effective and accountable actors in Albanian society.

Annex 4: Background on the Planned Local Government Units Reform

The 1998 ratification of the European Charter of Local Self Government set the grounds for government decentralization reforms, which were then reflected in the Laws “On the Organization and Functioning of the Local Government” and “On Administrative Territorial Division of Local Government Units,” approved in 2000. A bill on the administrative-territorial reorganization of the country was drafted in 2004 following a policy paper prepared by the Council of Europe. Furthermore, the World Bank undertook a comprehensive assessment of local government in Albania and made a number of recommendations pertaining to administrative and fiscal decentralization, as well as territorial reform. However, despite donor support, initial efforts at such reforms failed due to a lack of political consensus. The political consensus didn’t happen because political leaders consider territorial divisions as very related to electoral issues. 2005 saw another significant moment in the decentralization process, as the change of government resulted in a shift in the strategic approach to fiscal decentralization. The new government reformed the system of inter-governmental transfers and grants, introducing almost full fiscal equalization to help small local government units to generate revenues and provide services to citizens. This approach was meant to preserve and improve the democratization of government. Unfortunately, it instead created confusion about what good and effective government close to citizens even

⁶⁶ http://www.amshc.gov.al/web/raporte/vjetore/2014/Raporti_Vjetor_2014_english.pdf.

⁶⁷ http://ec.europa.eu/enlargement/instruments/funding-by-country/albania/index_en.htm.

meant, because many international reports provided evidence that it did not produce any improvement in service delivery, and in many cases actually increased corruption.⁶⁸

Even though stronger democratic governance at the local level and fiscal decentralization are two major components of an administrative reform that has been encouraged by donors and government for over a decade, substantive reform processes have been adversely affected by the difficult relationship between the DP-led central government and the majority of the SP-led local government units.⁶⁹

The decentralization strategy requires local government units to govern according to OGP values. The strategy promises to establish a system of integrated services for citizens, which will increase the efficiency of service delivery. It also plans for concrete activities linked to budgeting that will be supported by the state and donors. This has happened, but not in a coordinated way such as is the strategy of decentralization. The strategy emphasizes the importance of strengthening local governance, as imposed by the process of European integration and principles of EU best practices, while also attempting to account for the specific peculiarities of developing local government administration in Albania.⁷⁰ In this context, the inclusion of OGP in the action plan might influence the increase in additional financial resources, only if international partners explicitly value this in the country strategy programs.

Accountability at the local level will be promoted through the implementation of performance management systems, which are considered objective instruments for monitoring the transparency and accountability of local government units. OGP process is not well-known and perceived by CSO and local Government as entry-point for this kind of support, because the level of awareness about the OGP process in Albania is very low.

In the action plan of the decentralization strategy the activity “National digital agenda will also extend to the local level” is linked to the implementation of one commitment of the second NAP and is attributed to donor support. Each local government unit will receive NAIS services, including the hosting of websites and other online applications. Linking national and local databases will allow better sharing of information and reduce the bureaucratic procedures involved in accessing national databases.

E-government will be applied as an instrument to modernize and centralize local public services in a single office. By 2018, all municipalities and administrative units (former

⁶⁸ Analysis of the local government situation in Albania, General report to the committee on administrative and territorial reform, Ministry of local government issues.

⁶⁹ EU Progress Report 2011.

⁷⁰ Ibid.

municipalities) must have a one-stop shop for ensuring the delivery of digitalized services to citizens at the local level. The level of implementation of this commitment of second NAP and part of the decentralization strategy will depend on donor funds.

Annex 5: An Exceptional Case of Civil Society–Government Engagement

In 2013, the first civic engagement at the level of decision-making took place and made a great impact. At this time, the new Prime Minister decided to take the initiative to destroy the chemical weapons in the territory of Albania, as requested by the US Government. Civil society organized some small protests and within a week the massive civic participation against this decision obliged the Prime Minister to withdraw his decision.