

PUBLIC ADMINISTRATION AND LOCAL GOVERNMENT IN POST-COMMUNIST ERA IN ALBANIA AND MACEDONIA

Prof.As.Dr. Anna Xheka

“Aleksandër Moisiu” University of Durrës – Albania

Esmerald Xhafa

ABSTRACT: *Public administration reform is one of the main elements of structural reforms in the public sector, in an effort to achieve long-term sustainability of public finance and establish a sound business environment and to increase the quality and efficiency of the public services to the citizens. Public Administration Reform is a very broad concept a very comprehensive and include process changes in areas such as organizational structures, decentralization, personnel management, public finance, results-based management, regulatory reforms, revision of the civil service statute ect. Decentralization is a very important element of the Public Administration Reform as a whole and have a high importance in the entire process. Because of this importance and the big complexity of the issue in this paper I will analyze only the decentralization and local government reform as part of Public Administration Reform. All other pillars that represent Public Administration Reform needs also a special and deep analyze as well. From the mid-1980s onwards, a wave of decentralization reforms swept across the developing world, aimed at transferring responsibilities, resources and authority from higher to lower levels of government. In April 1996, the United Nations General Assembly, at its resumed 50th session, adopted resolution 50/225 on Public Administration and Development. The resolution confirmed the vital importance of strengthening public administration. Decentralization of governance is an important part of the process. Decentralization and local governance are recognized as basic components of democratic governance as providing the enabling environment in which decision-making and service delivery can be brought closer to local people and a very important pillar of Public Administration. Decentralized governance is commonly regarded as a process of transferring powers, functions, responsibilities, and resources from central to local government and other entities on local level. From the organizational point of view, it is a process of restructuring of authority, so that there is a system of co-responsibility between institutions of governance at the central, regional and local levels, thus increasing the overall quality and effectiveness of the system of governance, while increasing the authority and capacities of sub-national levels. Decentralized governance provides the legal, administrative and fiscal frameworks for the empowerment of people and their institutions at sub-national levels, from regional to local. The Millennium Declaration, upon which the Millennium Goals are based, recognizes democratic governance, of which public administration is a key component, as central to the achievement of these goals. Each country followed its own trajectory related to historic legacies, geographic features, political factors, and prevailing socio-economic conditions and culture. This paper presents the characteristics of Public Administration and Local Government Reforms in Albania and North Macedonia (all countries of Western Balkan) in Post-Communist Era. In Western Balkan, part of the former Soviet Union, decentralization has been part of the political and economic transformation process, after 1989/1990 from a socialist system to a market economy and had to cope with three fundamental transformations; from a centrally planned state economy to a private market economy; from authoritarian centralized rule to a pluralist democracy; and from*

party and state-dominated societal organization to a relatively autonomous civil society. Additionally this countries face two development challenges: first, emerged from a decade of conflict and crisis, which influenced the economic, social and political life and structures and second, delayed transition from their socialist systems presents specific significant needs regarding reforms in their economies and public administration. The methodology used is the descriptive one as well as, analyze and comparative, based on secondary empirical data. The conclusion of this paper is that during the last years it is evident a visible progress regarding local government decentralization reform in counties analyzed. This progress has also positively affected their membership status towards EU. But the progress made so far has been slow and is still far from real decentralization parameters. Burdened with ethnic and nationalist conflicts the decentralization reforms are characterized by fragmented structures with unclear division of levels and powers, and non-existent accountability mechanisms.

KEY WORDS; Decentralization, Western Balkan, Albania, Macedonia, Post-Communist Era

INTRODUCTION

Definition and a short historic summary of Western Balkan Countries

The Western Balkans is a geopolitical term coined by the European Union structures in the early 2000s and referring to those countries in south-eastern Europe that were not EU members or candidates at the time but could aspire to join the bloc. Originally, the Western Balkan region consisted of seven countries – Albania, Bosnia and Herzegovina, Croatia, Kosovo, North Montenegro and Serbia. Croatia has joined the EU 5 years ago and for this reason usually today doesn't consider as Western Balkan country.

The geographical location of Western Balkan is important for Europe in terms of security, stability, trade and transit routes. Between 1918 and 1991, all Western Balkan countries except Albania were part of Yugoslavia. After the Second World War, similarly to most of their central and eastern European neighbors, the countries were under communist system. However, in 1948 Yugoslavia split with the Soviet Union and remained independent from major geopolitical and military blocs in Europe, becoming one of the founders of the Non-Aligned Movement. After 1950, Yugoslavia developed a unique decentralized market socialism model based on employee-managed firms. Although this did not protect the country from macroeconomic disequilibria (high inflation, hyperinflation, large external debt and high unemployment) it allowed the creation of quasi-market institutions and market-oriented microeconomic behavior. Ex-Yugoslavia remained relatively open to the world in terms of trade and its citizens' freedom to travel. By contrast, Albania chose a very conservative model of a centrally planned economy, based on national self-sufficiency and closed to the outside world.

The disintegration of the Yugoslav federation signified the commencement of a rather difficult period for its former federal units. The establishment of new independent states, starting in 1990s was accompanied by the attempts at transition from the planned to market economy as well as from the one-party to multi-party system. The independence paid by numerous war sacrifices left long-standing consequences on the development of the whole region. Most of its successor states suffered from violent ethnic conflicts, which impacts the entire region in terms of war damage, human suffering, disrupted trade links, refugee flows, sanctions, organized crime and so on. The series of civil wars in the region, which lasted

throughout the 1990s, was stopped after many years only by the intervention of United Nations and North Atlantic Treaty Organization (NATO) forces. Politics in those communities continues to be dominated by nationalist sentiments. As a result, the international community must continue its peacekeeping mission and state-building support more than 20 years after the end of the war in ex-Yugoslavia countries.

Serbia and five EU member states (Cyprus, Greece, Romania, Slovakia and Spain) still nowadays do not recognize Kosovo as an independent state. Internally, Kosovo has failed to build peaceful relationships between the Albanian majority and Serbian minority, and its domestic stability relies on international peacekeeping forces. Bosnia and Herzegovina, where the civil war was brought to an end by the Dayton Agreement in 1995, is a very loose two-tier confederation of three ethnic communities that is hardly manageable at the central. Greece disputes Macedonia's country name and this conflict has frozen the country's EU and NATO accession process for more than decade. Internally, North Macedonia has suffered periodically from ethnic tensions between the macedonian majority and the albanian minority.

The characteristic of (de) centralization in Communist Era

The Communist regimes were institutionally characterized by the omnipresence of a totalitarian State which, in order to serve the Communist Party as an instrument of centralized rule, encompassed the state-run economy and also permeated the entire societal sphere. State administration was made up of a political and administrative apparatus which, following the doctrine of the unity of state power and so-called democratic centralism, was organized and ruled in a strictly centralized, hierarchical and top down manner. It did not allow any autonomy at the subnational levels and prevented the emergence of any independent economic and societal organization. Under these circumstances, local authorities were hardly more than the extended arms of the central government. Accountability of the local and regional administrative bodies to the local elected councils was perfunctory, as their collective territorial responsibilities for their respective units were superseded by sectoral fragmentation. The elected assemblies were created more by nomination than by veritable elections. Although elections were held regularly and a democratic facade was maintained, they were in reality a more or less formal affair; more a manifestation of political loyalty than the exercise of voters choice. Real decision-making power resided with the Communist Party bureaucracy. Territorial governments, their functionaries and personnel were under the permanent control of the Communist Party bodies, which instructed them how to act on important and politically sensitive issues and which could intervene at any moment in the decision-making process.

But this centralized model it was not the model of ex Yougoslavia. The past decentralization experience (during 1974-1991) of the federal state it was really a experience of the extended self-administering system and extremely developed neighborhood system, where the direct involvement of citizens was a reality. This system was characterized with high level competencies of even national defense and economic regulation. Financially speaking, LGUs had almost complete autonomy

Albania

The process of decentralization reforms in Albania has passed several phases since its beginnings in 1991-1992. Unconditioned ratification of the European Charter of Local Self Government (8548/1998) and the approval of the Law (8653/2000) "On the administrative-territorial division of the units of local government in the Republic of Albania", marks the

second important moment in the decentralization of government, thus establishing the framework for full administrative and fiscal decentralization, which split into 12 regions; 65 municipalities; and 309 communes¹.

It should be emphasized here that in 2000, the administrative-territorial division of Albania was not based on research or in-depth analysis of the capacity and skills of local government units to conduct decentralized functions and powers. Greater decentralization reform in 2000 was based on the concept of decentralization of duties and the symmetrical competencies therefore not draw a distinction between the size of local government units or capacity to perform these functions. Therefore, all political factors in the country have recognized the need for an administrative-territorial reorganization in Albania, dictated by international demand.

The year 2005 marks another significant moment in the government decentralization process, and the change of government also changed the strategic approach to the fiscal decentralization process. The intergovernmental transfers and grants system was reformed, introducing the almost full fiscal equalization as the instrument that would solve the problem of small and very small local government units to generate revenues and provide services to citizens. This approach, supported by the idea that it preserved and improved democratization of government, created instead confusion as to what was defined by decentralization strategy as good and effective government.

During the first years of the implementation of the above reform, it was a clear a negative impact t on the transfers system, fiscal autonomy, responsibility and functions transfer and the deadlock they create in local government because of different reasons as follow;

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(i) large level of fragmentation - 20% of Albania's population live in 232 LGUs or over 75% of the total LGUs have less than 5,000 inhabitants - resulting in very high administrative costs in providing services to citizens; (ii) (ii) the issue of limited human resources frequently faced by small local government units, resulting in the inability to exercise local functions, generate and collect revenues and provide services; (iii) the pending administrative and fiscal decentralisation process, resulting to some extent from poor local government units capacity, but also from frequent and chaotic interventions to the legal basis, the reduction of fiscal autonomy and lack of financial coverage of mandates for shared functions; (iv) unclear role of regions as coordinators and supporters in exercising local functions; (v) the need for an internal regional development policy that complies with the EU integration requirements and the necessity for multi-level governance, including the regional one; etc.

Secretariat of the Council of Europe and the World Bank proposed a number of reforms pertaining to administrative and fiscal decentralization and the territorial reform, among which prevails the recommendation on asymmetric allocation of LGUs functions and responsibilities regarding human resources and fiscal capacity.

Other donor agencies that exercised their activity in Albania reinstated the need for administrative and territorial reform, associating it to the regional development and the establishment of

¹ Law (8653/2000) "On the administrative-territorial division of the units of local government in the Republic of Albania, article 1.

² Ministria për Çështjet Vendore (2014) "Administrative and Territorial Reform", General Report to the Committee on Administrative and Territorial Reform, Tirana, April 2014.

economic regions, also regarding it as one of the preconditions towards EU integration and accession.

The progress report of the European Commission for 2012 and 2013 explicitly refers to the reform of administrative – territorial as: “About local governance, there has been progressing in the territorial administrative reform. Small units of local government are often economically unsustainable”³. In the 25th session of the Congress of Local and Regional Authorities of the Council of Europe in Strasbourg on 29-31 October 2013, it was approved for Albania recommendation that explicitly states “to intensify the decentralization process in the light of the European Charter of Governance local and recommendations to Congress and initiate a territorial system reform that would allow municipalities and districts to meet their responsibilities, particularly in the field of spatial development of their territories and urban planning”⁴.

All these external and internal factors determined the need for a new administrative-territorial reorganization of Albania. Before drafting the new model of decentralization reform, the government considered successful European models with similar characteristics such as Ireland and Denmark, where many small administrative units were converted in big ones some years ago and resulted successful.

On July 31, 2014, the Parliament adopted the Law 115/2014 “On the administrative and territorial units of local government in the Republic of Albania”, which contains defines a new division of administrative-territorial in 12 counties and 61 municipalities⁵.

The period 2014-2018 it was a transitional phase in local government decentralization and served to complete the respective legal and sublegal framework.

*Albania is moderately prepared in the reform of its public administration. Efforts continued, resulting in some progress in the efficiency and transparency of public services delivery, training of civil servants, more transparent recruitment procedures, and the overall strengthening of merit-based civil service procedures. Consolidation of these achievements should advance further, to ensure a more efficient, depoliticised, and professional public administration.*⁶

North - Macedonia

After its independence in 1993, North Macedonia had to go through a general reform of its Public Administration with the aim of creating a public administration that could adjust the country’s shift towards an open market economy and a pluralist democracy. Decentralization has shaped the local government as an outcome of the Public Administration reforms and local government (fiscal) reforms that have been carrying in the country.

³ European Commission (2012) “*Progress Report for Albania*”, Brussels, 10.10.2012.

⁴ The Congress of Local and Regional Authorities of the Council of Europe, “*Recommendations for Albania, number 349*”, Strasbourg, October 2013.

⁵ Law (115/2014) “On the administrative and territorial units of local government in the Republic of Albania”, article 1.

⁶European Commission (2018) “*Key findings of the 2018 Report on Albania*”, Brussels, April 2018, file:///C:/Users/annax/Downloads/MEMO-18-3403_EN.pdf

The past decentralization experience (during 1974-1991) of the country when it was part of Yugoslavia it was really an experience of the extended self-administering system and extremely developed neighborhood system, where the direct involvement of citizens was a reality. This system was characterized with high level competencies of even national defense and economic regulation. Financially speaking, local government units had almost complete autonomy. Management like, local government units, were responsible for assigning the local officials, while political like, the local officials were elected by the voters. This extent of delegated powers often characterized Yugoslavia's local government "experiment" as unique worldwide.

The local government reform in North Macedonia has been pushed by two main factors: the developments and the resulting reforms of New Public Management at world level as well as European countries; and the country's domestic turmoil (in 2001) which ended with the Ohrid Framework Agreement that would guarantee shared governance (especially local governance) among Albanian ethnic group as well. Political events culminating with the 2001 internal ethnic conflict between the two largest ethnic groups.

Ohrid Framework Agreement is considered one of the pushing factors to the decentralization because it was seen as the best way for shared power by empowering local communities of various ethnic backgrounds. For Albanians this meant shared political power and cultural acceptance in return to acknowledging the country's institutions.

Therefore, decentralization was seen as the best outcome to the local government reform incorporating market-related approaches and mechanism and more inclusion in form of shared authority at local government to all ethnic groups for the purpose of better local government services.

Earlier than the real time of decentralization (early 2000s), North Macedonia ratified the European Charter of Local Self-Government (in 1997), thereby agreeing on the central principle that decentralization is an essential attribute of the democracy of local government. Very soon North Macedonia was criticized for its slow process of decentralization and then conditioned to take local government genuine reforms to be a serious candidate for EU membership.

In 1999 the government approves the Strategy for the Reform of the System of Local Self-Government in addition to the establishment of the Ministry of Local Self-Government. The strategy anticipated the reduction of the local government units in number, increased competencies of local government, as well as increased financial independence. The resulting push for further decentralization came out of Ohrid framework Agreement in form of Constitutional changes guaranteeing the right to local self-government and generating laws on local self-government. In other words, the constitutional changes gained momentum to the implementation of the strategy and acceleration of the decentralization process itself. One of the milestone developments in the process was the adoption of the Law on Local Self-Government in January 2002, which specifically defined the organic structure and

⁷ Sejdini, K.Miranda (2016) "An overview of the reformed local government in Macedonia", *Business and Economic Research*, Vol. 6, No. 1, Las Vegas : Macrothink Institute, May 2016, page 447 & 448.

competencies, as well as regulating the operations of local government units accompanied by “The Law on Financing of the Units in Local Self-Government” (referred as Law on Financing) and the City of Skopje adopted in July 2004 and the Law on Territorial Organization adopted in August 2004.

Later on it was a municipality restructuring in August 2004, which was supposed to serve as a mechanism that would allow Albanians and other ethnic groups to have more decentralized power in exercising their duties and rights.

The above legal consolidation gave the push for starting a substation process of decentralization in Macedonia, which is known to have started in 1 July 2005 and in form of two transfers: the administrative (of human resources, equipment, and property) and financial transfer.

In 2013, there was a minor restructuring of the municipalities. Local Government Units which represents the administrative units of local government consist of 84 first-order administrative units or municipalities, out of which 10 municipalities make up the City of Skopje (Greater Skopje) municipality which has a distinct status.

However, the new territorial division was criticized for trading principle efficiency with the principles of democracy, because, suddenly there were new formations and changed boundaries of municipalities questioned in their sustainability due to lacked capacity of generating own revenues.

The decentralization process was a politically-driven process rather than one that was supposed to be driven by fiscal and competency decentralization to form more efficient public providers (local governments). In addition, the reversed approach was characterized with delegated revenues prior to the delegated expenditure assignments. Additionally, certain delegated duties had to come from line ministries which often has served as barriers to the process of decentralization, rather than showing willingness of delegating their authority, where municipalities indicate the lack of communication with such institutions as one of their biggest cooperation challenge

Yet, there are some important achievements of the country, which could have been utilised and invested more on. Country remains with the challenges of further Euro-Atlantic integration processes by de-politicizing institutions and establishing rule of law for all.

European Commission has evaluated with positive marks the progress of Macedonia recently.

*The country is moderately prepared with the reform of its **public administration**. Good progress has been made with the adoption of the public administration reform strategy and the public financial management reform program. Concrete efforts have been made towards increasing transparency and accountability and involving external stakeholders in policy-making. The capacity of the Ministry of Information Society and Administration to drive and coordinate public administration reform needs to be improved. Strong political commitment to guarantee the professionalism of the public administration, especially on senior management appointments, and the respect for the principles of transparency, merit and equitable representation in line with the spirit and the letter of the law, remains essential.⁸*

⁸ European Commission (2018) “Key findings of the 2018 Report on the former Yugoslav Republic of Macedonia”, Brussel, April 2018, http://europa.eu/rapid/press-release_MEMO-18-3405_en.htm.

The process of integration in the European Union

The opportunity for Euro-Atlantic integration was offered to Western Balkan countries in 1999 in the aftermath of the Kosovo conflict. A cooperation agreement, the Stability Pact for Southern and Eastern Europe, was put in place in June 1999. This was an EU initiative but other countries (the US, Canada, Japan, Russia, Turkey, Norway and Switzerland) and a number of international organizations, were also involved. The pact had three major pillars – democracy, economy and security – and it opened the Stabilization and Association Process (a first step towards potential EU membership) for the Western Balkans region. The Stability Pact was replaced by the Regional Cooperation Council in 2008.⁹ In the early and mid-2000s, the prospect of EU accession and the global boom facilitated rapid economic recovery and boosted economic and institutional reforms in the region.

The region it was able to apply for EU membership only after re-establishment of peace and for some of ex-Yugoslavia 'countries like Kosovo, BiH, Serbia, FYRM it was a very long way.

The potential eligibility of the Western Balkan countries to become EU members was confirmed by the Thessaloniki EU summit in June 2003. The European Council expressed '... its determination to fully and effectively support the European perspective of the Western Balkan countries, which will become an integral part of the EU, once they meet the established criteria' (Council of the European Union, 2003). Subsequently, Stabilization and Association Agreements, which also include provisions for a Deep and Comprehensive Free Trade Area (DCFTA), were negotiated, signed and ratified by the EU and Western Balkan countries.

Albania; Stabilization and Association Agreements entered into force in 2009 and in the same time the application for EU membership, obtained EU candidate status in 2014, received recommendation to open membership negotiation on 15 April 2018.

In its June 2018 Conclusions, the Council set out the path towards opening accession negotiations in June 2019, depending on progress made in key areas such as the judiciary, fight against corruption and organized crime, intelligence services and public administration. The Commission reiterated the recommendation to open accession talks in the Enlargement Package adopted in May 2019. In its June 2019 Conclusions, the Council took good note of the Commission's recommendation. In March 2020 the members of the European Council endorsed the General Affairs Council's decision to open accession negotiations with Albania and in July 2020 the draft negotiating framework were presented to the Member States.

Once all Member States agree to the negotiating framework and all requirements have been met, the Commission will give its opinion on the readiness of the candidates. Albania must enact major reforms in order to adopt the *acquis*, and the EU has set out conditions which must be met before their first intergovernmental conference. These include passing significant electoral reforms, increasing the transparency of the financing of political parties and electoral campaigns, and depoliticizing the electoral administration and the new electoral system.

⁹ See <http://www.rcc.int/home>

Before the first intergovernmental conference, which was planned for December 2020 but didn't realized due to the Dutch's veto, Albania must also provide evidence of significant judicial reform. Further progress in the fight against corruption and organized crime is required, and laws relating to other topics such as population censuses and the media must be amended.

North Macedonia; Stabilization and Association Agreements entered into force in 2004 and in the same time the application for EU membership, obtained EU candidate status in 2004, received recommendation to open membership negotiation on 15 April 2018 and need to wait the vote of European Council which meets in June 2018 in order to become official. The EU candidate status of North Macedonia was frozen for a long time without open access to membership process, notwithstanding six European Commission recommendations since October 2009 to open accession negotiations. Greece's reservations over the country's name and domestic rule of law problems were a serious obstacle.

North Macedonia was not given any further preconditions to fulfil before the first intergovernmental conference. However, the European Commission was invited to monitor the continued progress of North Macedonia in areas previously identified by the Council of the EU in June 2018. These include issues around the rule of law, strength of democratic institutions, public administration, and economic development. Additional focus on reforming areas such as the judiciary, security and intelligence services, and media laws is also required. The first intergovernmental conference, which was also planned in December 2020 for North Macedonia, didn't realized, due to the Bulgarian's veto.

CONCLUSION

During the last years it is evident a visible progress regarding local government decentralization reform in countries analyzed. This progress has also positively affected their membership status towards EU. But the progress made so far has been slow and is still far from real decentralization parameters. Burdened with ethnic and nationalist conflicts the decentralization reforms are characterized by fragmented structures with unclear division of levels and powers, and non-existent accountability mechanisms.

While then-President of the European Commission Jean-Claude Juncker stated in 2018 that Albania and North Macedonia could become Member States by 2025, this now seems an optimistic prediction. Given the current pandemic, there is the possibility that the EU may not prioritise expansion in the Western Balkans and France has signaled that internal EU consolidation (beginning with the Eurozone) is more pressing than further enlargement.

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