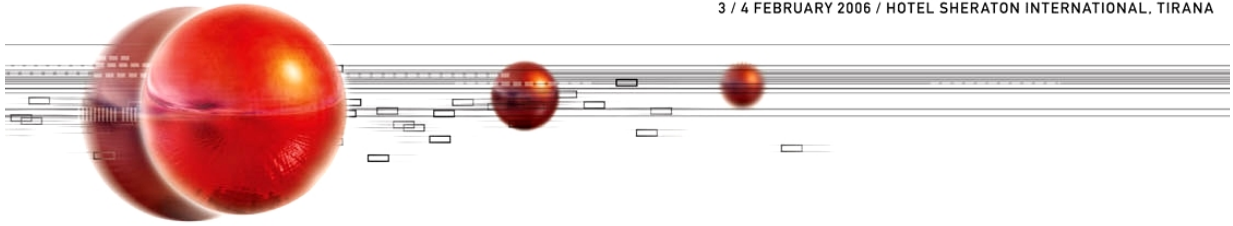


**“Decentralization and Local Self-Government in Albania.
Problems, Prospects and Strategies in the Light of Albania’s EU Integration”**

3 / 4 FEBRUARY 2006 / HOTEL SHERATON INTERNATIONAL, TIRANA



INTERNATIONAL CONFERENCE



**SÜDOSTEUROPA-
GESELLSCHAFT**

in co-operation with



**Embassy of the
Federal Republic
of Germany**

Tirana

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Contributions / Presentations

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Organization for Security and Co-operation in Europe

Presence in Albania

Conference on

"Decentralisation and Local Self-government in Albania, problems, prospects and strategies in the light of Albania – EU integration Process"

3-4 February 2006

Opening remarks by Amb. Pavel Vacek,

Head of OSCE Presence in Albania

Governance in Decentralisation

- The Conference on Decentralisation - a useful event to assist the GoA and local governments in furthering decentralisation in Albania.
- Appreciate the determination of the GoA to pursue an ambitious decentralisation agenda - PiA happy to further assist within its overall mandate on good governance and also its more specific remit on territorial administrative reform.
- The conference rightly aims at first determining the state of play. PiA and its field stations are faced with inputs on decentralisation-related problems coming from local authorities and prefects - the difficulties encountered are summarised.

1. Short overview of problems encountered (systemic, legislative, specific-political) as PiA sees them:

Central-Local Government Relationship

- The common (and quite natural) wish of local and regional institutions is that their capacities be strengthened, in particular with regard to their budgetary autonomy as well as the transfer of competencies from the central government. On a local level, problems often arise due to incomplete and unclear transfers of responsibilities to LGUs, in particular in the areas of water supply, sewage, tax collection, and education. The reality of the Albanian state budget does not allow for dramatic spending increases but the apportioning of resources to regions/LGU leaves room for improvements. The reduction of LGU incomes due to the recent decrease of SME tax that is to be offset by budgetary allocations from the centre does not increase the fiscal autonomy of LGUs.
- Communication and cooperation between local and central government authorities seems to be increasing, and more effective consultation mechanisms between LGUs, Prefectures and Regional Directorates are being established. A positive example of efficient nation-wide cooperation between local and central government authorities was during the compilation of the voter lists in 2005 between the Ministry of Local Government and LGUs. The voter list workshop MoI and PiA held on 1 February 2006 demonstrated the ability of both the Center and the Mayors to work for a common purpose.
- However, LGUs still complain about a lack of direct communication and coordination between central and local levels of government. It remains to be considered at which level this should happen, i.e. at the level of the local branches of central institutions (regional sectoral directorates) or at the one of the prefect who has a co-ordinating role of the activity of the central institutions at local level.

- LGUs also note a tendency of the Centre to reduce the powers of LGUs, which for some can be exemplified by the recent normative act empowering prefects to convene TAC meetings, and the restrictions on the use and sale of state land imposed by the Commission of Property Restitution and Compensation (which, one has to note, is justified in the cases where the ownership titles are not clear...)
- The law¹ gives the Prefect a three-fold role in relation to the organs of the local government,² which raises the question whether he only examines the legitimacy of every legal act of elected representatives, or also supervises and controls.

Transparency

- It is a positive sign that LGUs are increasingly aware of their responsibilities to the public and are striving to become more transparent, but problems persist in transparency and accountability and often the public seems to be apathetic.

Specific Problems of the Regions

- Regions complain that their functions to exercise executive powers in delivering public services of regional interest are poorly defined by law.
- Lack of clarity of the law³ as to the reasons for which the mandates of representatives to the regional council can be revoked. Thus, the legislation leaves much discretionary power with the municipal council to review its appointments to regional bodies according to various situations that may arise.[E.g.: Korca RC]

Systemic issues

- The question whether to prolong the 3-year mandate of LGUs to 4 for the RC to successfully deliver on their mandates/programmes is clearly part of the decentralisation agenda. The recommendations made in the past by OSCE/ODIHR and the Venice Commission of CoE have found some reflection in the Albanian political debate and parties seem to converge on a 4-year mandate. However, this seems to be foreseen by some only for the municipal elections after the next (late 2006/early 2007).
- There is a need perceived for re-designing territorial division of Albania and to re-define the role of the regions in relation to the central government on the one hand but also and primarily in relation to the LGUs of first level. The territorial administrative reform process has been dormant since early 2005 and should receive fresh impulses.

¹

²

³1 Law no. 8927, dated 25.07.2002, "On the Prefect" provides that the prefect has the following competencies:
 a) oversees, follows and takes measures for the fulfilment by all institutions at the regional level of the obligations that they have to guarantee sovereignty, the constitutional order and public health; b) oversees, and coordinates the activity of the central institutions at the local level; c) directs the activity of the state administrative structures that by particular legal and sub-statutory acts have been directly assigned to him; c) co-ordinates the activity of the central institutions, civil administration of the state at the local level, as well as of the latter with the organs of local government in communes, municipalities and the region; d) is the only administrative institution that verifies the legality of the acts approved by the bodies of local government in communes, municipalities and regions. ... (Note: It can be inferred from the law that in case the prefect observes legal incompatibility of normative acts by organs of local government units, s/he can turn to the court with jurisdiction over the organ in question.)

The prefect is accountable to the Council of Ministers and reports to the Prime Minister for the duties assigned to him. While the ministers and directors of other central institutions must establish direct ties with the prefect for problems of the activity that they direct. The Council of Ministers, the ministers and directors of other central institutions regularly send the prefect all documents that they issue, which in their content assign duties in the field of activity of the state administration at the local level or duties for organs of administrations of local government.

² These are regulated by Law no. 8652, dated 31.07.2000, "On the organization and functioning of local government".

¹ Ibid., articles 32 and 52.

Specific Political Issues

- The unclear division of competencies between local government and central government authorities has led to conflicts with regard to governance on local level, with recent examples being the controversies surrounding the Regional Council in Korca, some major public works in Tirana (Zogu i Zi) and the approval of the budgets in Terbuf and Ballsh in Lushnje and Mallakaster districts.

2. Possible ways of addressing problems:

- On the legislative front, there is a need perceived to review the Law 8927 "On the Prefect, Law 8652 'On the organization and Functioning of Local Government" and Law 8654 "On the Organisation and Functioning of the Municipality of Tirana". Sub-legal acts to facilitate implementation of the laws should be issued by the GoA.
- The parliamentary work on the Territorial Administrative Reform should be intensified and both the legislative framework and the bodies governing the process should be pursued.
- The emerging consensus on prolonging the mandate of the first and second levels of government from 3 to 4 years should be further built upon. A 4-year mandate is at least a proven practice in most countries, for many it amounts to a standard. However the political will to go for a 4-year mandate will be tested as this would require a constitutional amendment.
- Serious consideration should be given to suggestions coming from Regional Councils to put regional sectoral directorates, which are currently under the jurisdiction of central government, under that of the regions so as to improve coordination between directorates and LGUs, and to have the allocation of funds/grants to LGUs from the State Budget planned regionally rather than centrally.

3. Relevance of OSCE PiAs work and possible support (in the area of transparency/public access to info):

- PiA is already supporting LGUs with projects in the area of transparency and accountability such as the publication of a survey on Transparency of Tirana Municipality in 2005, the creation of websites for Kruja and Shkodra Municipalities etc.
- The Regional Councils, LGUs and Prefectures will continue to need assistance from willing intl. partners to further increasing transparency of their activities and local government in general and to more meaningfully include the public in their decision-making processes. The OSCE PiA has reflected this in its planned activities in 2006 based also on the excellent interaction it has with regional and municipal authorities. PiA is also supporting the Programme of Best Municipal Practices by CoE – more can be done if additional funds are available from external donors; the 2 organisations have recently strengthened their co-operation by concluding a specific agreement in this area which should provide for a more efficient common work.
- PiA is preparing a "Visible Rights" project, first in Vlora, that will be expanded to all FS once it is completed. The project intends to increase public awareness on the Right to Public Information Law by posting a summary of the rights of the law on billboards and distributing brochures.
- Of importance will be a consultancy which we offer on the territorial administrative reform – an initial paper with tips on the process of amalgamation of units is available for consideration.



Organization for Security and Co-operation in Europe

Presence in Albania

REPORT AND RECOMENDATIONS

Process of local government amalgamation

Introduction

This paper represents a guide for establishing a process of territorial-administrative reform through the amalgamation of local government units in Albania. Although the intent is to propose a model for an ideal process, it is important to take into account that this does not mean that it must be followed exclusively in order to achieve a successful amalgamation process. This report is based mainly on the Council of Europe guidelines for territorial and administrative reform⁴ as well as a distillation of case studies compiled on the territorial-administrative reforms of Denmark,⁵ Finland,⁶ Latvia⁷ and Estonia.⁸ These countries all belong to the European Union (EU) and, as Albania, have faced the need to find a solution to increase the efficiency of their local government units and thus have used territorial amalgamation as the strategy to cope with these problems. The cases of Latvia and Estonia are particularly relevant, given that they are countries in transition, with a relatively small surface area and small population size.

In general terms, a successful territorial-administrative reform process requires thorough preparation, taking into account the applicable preconditions. Well-designed decision-making procedures are necessary to guarantee transparency of the process and reduce the potential for political conflicts. A step-by-step plan for amalgamation should proceed with the required amount of leadership at the central and local levels to manage the process with appropriate mechanisms to monitor progress. These mechanisms should allow for broad and unbiased evaluation of results again to maintain transparency and reduce the potential for conflict.⁹

The main goal of this paper is to present the steps for a reform process appropriate for the Republic of Albania. The main precondition of the amalgamation process in Albania is that should comply with the provisions of the *European Charter of Local Self-Government*. Beyond this, the most appropriate model for Albania is a step-by-step model of amalgamation combining voluntary

⁴ CoE Steering Committee on Local and Regional Democracy (CDLR). *Administrative and territorial reforms creating territorial communities or authorities at different levels*. Final Activity Report. Strasbourg (17 December 2002).

[http://www.coe.int/T/E/Legal_Affairs/Local_and_regional_Democracy/Steering_Committee_\(CDLR\)/Publications/Authorities_Series/Report_reforms.asp](http://www.coe.int/T/E/Legal_Affairs/Local_and_regional_Democracy/Steering_Committee_(CDLR)/Publications/Authorities_Series/Report_reforms.asp) Accessed 30 August 2004.

⁵ Local Government Denmark (LGDK). *The Local Government Reform of 1970*.

<http://www.sisemin.gov.ee/atp/failid/26>. Accessed 7 September 2004 and LGDK. *Amalgamation of 1 country = 5 municipalities on Bornholm*. <http://www.sisemin.gov.ee/atp/failid/26>. Accessed 7 September 2004.

⁶ Ministry of the Interior of Finland (2003). *Amalgamation of municipalities-process in a nutshell*.

⁷ LGDK. *Administrative-Territorial Reform in Latvia*. <http://www.sisemin.gov.ee/atp/failid/26>. Accessed 7 September 2004.

⁸ NALAD (1999). *Local Government Reform in Estonia – roles, criteria, procedures and support measures*.

<http://www.sisemin.gov.ee/atp/failid/table%20of%20contents.doc>. Accessed 6 September 2004.

⁹ Based on CoE Steering Committee on Local and Regional Democracy (CDLR) Final Activity Report.

amalgamation through a bottom-up approach in a first stage and compulsory amalgamation through a top-down approach in a second stage.

This paper will present both phases, with an emphasis on voluntary amalgamation. The process of voluntary amalgamation should follow five general steps, encompassing minor phases. The first is framework design, which basically analyses the need for implementing an amalgamation process and designs a strategy to fulfil such an aim. The second step is the investigation and formulation of a proposal. The decision to conduct an amalgamation is then taken in the third step. The fourth step is the implementation process by which the process of amalgamation becomes effective. The process ends with an evaluation of the resulting amalgamated local government units.

After describing the voluntary phase, the paper briefly treats compulsory amalgamation, which can be implemented *only* after sufficient attempts at voluntary amalgamation have been rejected by local government units. The paper finally concludes with recommendations of the OSCE Presence to the Albanian authorities on how to apply the general framework of an amalgamation process to the specific case of Albania.

Phase I: Voluntary Amalgamation

1. Framework design

The process of amalgamation can begin by initiating a discussion on the need for implementing an amalgamation of local government units followed by establishing a Parliamentary Committee on Territorial Reform. This committee should establish a *territorial-administrative reform secretariat* to lead the implementation of the territorial reform process. The secretariat should be an independent body within the state and be formed by an interdisciplinary technical expert group selected to manage the territorial amalgamation process. It reports to the parliamentary committee. Its duties should be to:

- prepare investigations on the need for territorial reform and local government amalgamation;
- control, monitor and evaluate the amalgamation process;
- propose municipalities to amalgamate;
- evaluate the amalgamation proposals in order to be submitted to the ministry responsible for territorial administration;
- manage the amalgamation grants through an amalgamation fund.

As the first part of its work, the secretariat should oversee preliminary investigations to assess the current situation of the local government units to see if the amalgamation process would improve their efficiency. This investigation, as seen in the Danish and Latvian cases, could be done by studying pilot municipalities.¹⁰ In any case, this should be followed by an investigation that will establish the basic principles and criteria for amalgamating local government units. The investigation should follow a comprehensive approach.

This investigation should be conducted through several major surveys.¹¹

1. A general survey to evaluate the possibilities of amalgamations among all local governments units for the central government conducted by the territorial-administrative reform secretariat;

¹⁰ Local Government Denmark (LGDK). *The Local Government Reform of 1970* and LGDK, *Administrative-Territorial Reform in Latvia*.

¹¹ See NALAD (1999). *Local Government Reform in Estonia*.

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2. Preparation of a report discussing local government territorial reform conducted by the territorial-administrative reform secretariat;
3. Case studies of the possibilities of amalgamation in concrete municipalities which could serve as pilot projects;
4. Specific investigations on specific cases of potential amalgamations conducted by the secretariat or private consultants as an initiative of the secretariat or as a request of the local government units interested in amalgamation.

The preparatory studies should result in a *law on territorial-administrative reform* that will serve as the basis for the amalgamation of local government units. According to the National Association of Local Authorities in Denmark (NALAD) this law should include:

- the overall model for the local government territorial reform;
- the division of roles and competences in the reform process;
- criteria for the formation of new local governments;
- application and approval procedures for the formation of new local government;
- state support measures for amalgamation;
- the system for managing local government affairs in the transition period before and after the formation of new local governments.¹²

The law should establish and clearly define the conditions and process of amalgamation, with a focus on the *criteria* for amalgamation. The criteria should take into account two main variables: efficiency and historical identity. It is, however, very difficult to elaborate an appropriate criteria list as much depends on the characteristics of the country where the reform is to be implemented. Some criteria are usually only vaguely defined and thresholds, such as size and population, do not have ideal figures.

To define the set of appropriate criteria, the secretariat can conduct a study that looks at the prevailing circumstances across the country. The criteria can contemplate a well-defined municipal centre, a maximum allowance distance from the centre, the demographic situation, the economic situation and tax base, economies of scale, potential synergies, limitations and difficulties of the local government to cope with their duties, the number of services to be carried out uniformly across the territory, geographical conditions, infrastructure, capabilities of providing services to a territory, history and cultural identity.

In sum, the ideal amalgamation process should be to improve the efficiency of the local government unit, and at the same time, be respectful of its history and identity.

2. Investigation and Proposal

During this step, local governments will work voluntarily on the design of their amalgamation proposal to the territorial-administrative reform secretariat. This procedure starts with promoting information about territorial amalgamation, followed by the establishment of *joint amalgamation commission*, investigations of the possibilities of local government amalgamation, and finally, the amalgamation proposal.

2.1. Publicity and information

After the approval of the law on territorial-administrative reform, the next step should be the proposal of amalgamation of local government units through voluntary amalgamation. In order to

¹² *Ibid.*

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promote municipal amalgamation, as NALAD advises, it is recommended that the secretariat conduct regional seminars on territorial reform and regional investigations about the possibilities for territorial reform to inform municipalities.

Following this, groups of municipalities should be gathered to participate in municipal amalgamation discussions.¹³ To make its task more efficient, it might have delegations covering the whole country at regional or local level. In line with NALAD recommendations, the secretariat provides information and publicity on territorial reform, including the progress made, to local and central government, the citizens and the press.¹⁴ This information can be provided through newsletters, seminars, conferences, articles and hearings. The secretariat conduct seminars where it informs local government units about overall territorial reform process and where the detailed process and rules are agreed. NALAD¹⁵ points out that the information could focus on:

- the legal framework of the territorial reform;
- the advantages and disadvantages of amalgamations compared to status quo and other options;
- the main results of the investigations;
- the status of the local government territorial reform process;
- positive and negative experience gained during the first amalgamations;
- the support measures;
- territorial reforms in other countries.

2.2. Dialogue through the establishment of joint amalgamation commission

Local government units are encouraged to start discussions on a proposal for territorial amalgamation. This stage will be carried out by the creation of a *joint amalgamation commission*. This commission is formed by the group of municipalities involved in a specific case of amalgamation and should remain active throughout the whole process of that amalgamation. It should act as the channel through which municipalities communicate with one another and interact with the secretariat.

The joint amalgamation commission should locally inform citizens as well as open dialogue with citizens in order to receive their input and concerns with regards to the reform. The information to the citizens must include the results of the investigations, the pros and cons of amalgamation and the preliminary decisions made with regards to potential amalgamation.

According to NALAD, joint amalgamation commissions should include the top decision-makers from each municipality, but should avoid including actors with personal interests in the issue, such as administrative personnel, as this might put at risk the commission's capabilities to conduct their task with efficiency and independence.¹⁶ NALAD, however, strongly recommends that the commission should seek the advice of interest groups and key persons in the local government units.¹⁷

Linked with the initial stage of the proposal step, it is important to conduct dialogue with the citizens of the municipalities and, at the same time, keep functioning the information channels with the citizens on the developments of the territorial amalgamation process. As NALAD recommends, "the joint amalgamation commission should inform as well as enter into dialogue with the citizens

¹³ NALAD (1999). *Local Government Reform in Estonia*.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

about the territorial reform process in order to receive input about the concerns and ideas of the public”.¹⁸ This dialogue process can be used as a tool to make citizens see themselves as participants in the process and to support the local government units amalgamation, as well as a sign of transparency.

2.3. Studying the possibilities of local government unit amalgamation

Studying the possibilities for amalgamation is fundamental to the assessment of the possibilities of territorial amalgamation and is directly linked with the criteria of amalgamation. As NALAD points out, this investigation process should start with a general study “to establish a clear picture of the present municipalities before taking decisions”, followed by the establishment of sub-commissions for detailed review.¹⁹

This can be done by the secretariat, although it is advisable that municipalities be involved in the research process. It is important to take into account previous experiences and, in the case of pilot areas, consideration should be given to these results. On the basis of this study, the amalgamation proposal starts to be elaborated. The secretariat develops an initial draft proposal for amalgamation using the findings of the studies and presents it to the local government units for discussion.

In order to be successfully completed, the amalgamation process has to increase not only the efficiency of the local government administration, but also the socio-economic indicators of the amalgamated local government units. In so doing, a very important aspect of the process is to plan the administrative model of the new local government unit.

2.4. Amalgamation proposal

The proposal of amalgamation can be requested by the municipal council(s), the central government and, as in the Finnish case, by a minimum percentage of persons entitled to vote in the local government units to be amalgamated.²⁰ The proposed initiative should be justified by the research and fulfil the criteria of amalgamation.

For the nationwide process to be completed properly, it can take several years and should be properly designed step-by-step with a clear definition of the aims, objectives and actions. The Council of Europe recommends that it “should include an adjustment procedure to address specific concerns of specific territorial authorities which arise during the reform process [and] where [the] conditions are not [totally fulfilled].”²¹

The preparatory stage should be completed with a definite amalgamation proposal, which includes, on the one hand, the outcomes from the study and the initial draft proposed by the territorial-administrative reform secretariat and, on the other hand, the results of the dialogue and discussions between the local governments through the joint amalgamation commission and the citizens and key representative actors in the municipalities.

The final proposal should be agreed upon by the joint amalgamation commission and approved by each municipal council. As in the case of Finland, however, it might be possible that “[m]unicipalities can arrange a consultative referendum for getting advice for the decision-making concerning amalgamation”.²² As the Council of Europe notes, it is important that this process have a

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ See Ministry of the Interior of Finland (2003). *Amalgamation of municipalities-process in a nutshell.*

²¹ CoE Steering Committee on Local and Regional Democracy (CDLR) Final Activity Report.

²² Ministry of the Interior of Finland (2003). *Amalgamation of municipalities-process in a nutshell.*

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certain degree of consensus.²³ The final proposal should be sent to the secretariat to give the final decision whether the proposal is accepted or not.

3. Decision-making

The Council of Europe recommends that the decision on territorial amalgamation “should be taken at the highest institutional level (and) may be influenced by or involve a referendum where this is permitted”.²⁴

As mentioned above, the final proposal is sent by the local government units to the territorial-administrative reform secretariat. The secretariat checks if it fulfils the requirements and criteria for amalgamation, including the legal requirements. If the answer is positive, the secretariat proposes the amalgamation plan to the ministry in charge of territorial administration that prepares the decision, which can be finally taken by the Assembly.

4. Implementation

Once the amalgamation plan is approved, the next step is the implementation phase. This step will be completed upon the next local government elections, when the new amalgamated municipal council enters into force.²⁵ The implementation phase is a process that admittedly takes some years to be accomplished.

In the case of Albania, Article 109 of the Constitution states that local government councils and mayors are elected every three years. This is a shorter period than in most European countries, as the OSCE/ODIHR and Council of Europe Venice Commission have noted,²⁶ and too short for the elected local government councils and mayors to implement their projects. Thus, to conduct an amalgamation reform, the secretariat, in co-operation with the joint amalgamation commission, can decide to design a deadline of two election periods, or to have local government elections once the reform is completed. Nevertheless, OSCE/ODIHR and the Venice Commission have advised to lengthen the local government term from three to four years by amending Article 109 of the Constitution.

Most of the papers that analyse or introduce amalgamation case studies do not give detailed information on the implementation phase of the amalgamation process. In other words, they provide detailed information as regards the preparation phase, but are vague as regards the implementation phase. It is, however, possible that this is due to the fact that the implementation process should already be clearly defined in the amalgamation plan.

The Council of Europe has identified several key points required for a successful amalgamation process²⁷ Firstly, the implementation phase should have continuous and consistent leadership, particularly at the local level. In order to reduce the potential for conflict, it is also recommended to establish the implementation plan framework before hand and involve local authorities in the implementation phase of the amalgamation. Finally, the central government must put supporting programmes in place and be committed to the reform. Transparency of decision-making is key.

²³ CoE Steering Committee on Local and Regional Democracy (CDLR) Final Activity Report.

²⁴ *Ibid.*

²⁵ For practical and democratic reasons it is strongly recommended that the amalgamated municipal council does not enter into force before the amalgamation process is not completed and the most appropriate is through the municipal elections. This is because it can put at risk the success of the amalgamation process as well as increase the danger of conflict between municipalities.

²⁶ OSCE/ODHIR-CoE Venice Commission (2003). *Joint recommendations on the electoral law and the electoral administration in Albania*. Opinion no. 273/2004 and CDL-EL(2004)002.

²⁷ CoE Steering Committee on Local and Regional Democracy (CDLR) Final Activity Report.

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4.1. Financial support measures and amalgamation grants

To implement amalgamation decisions successfully, experience shows that it is highly recommended to formulate carefully financial support for the process. For example, the investigative studies described in Step 2 should be financed by the state budget, as the amalgamation process may run into difficulties to be successfully completed without appropriate funding. Given the lack of financial resources of local government units in Albania, the central government will necessarily have to support financially the entire process. Therefore, it is very important that central government recognize the need for financial support for local governments involved in the process of amalgamation as this will provide encouragement.

NALAD²⁸ makes the following recommendations to avoid pitfalls in the formulation of the financial support system:

- the draft of the financial support system should be kept confidential until it is approved;
- all investigations should be financed even if municipalities do not decide to amalgamate;
- funding should be stable and adequate for the process of amalgamation;
- parameters used should be simple and objective;
- support figures should be defined per inhabitant instead of per municipality;
- the authority to manage and assess the need for financial support system should be delegated to the secretariat during the reform process.

Amalgamation grants are the most appropriate means to finance the amalgamation process and overcome the financial challenges that may be faced by amalgamating local governments. An amalgamation grant is fund given by the central or regional government for encouraging or making amalgamation possible. Grants can be used as inducements for amalgamation to take place.

According to NALAD, local government amalgamation grants should be laid down by law, this law should include the possibilities of additional donor funding and appoint the secretariat as the responsible of the management of the amalgamation grants.²⁹

The implementation process should be supported by the central authorities, including financial support through the mentioned amalgamation grants. The law on territorial-administrative reform should include a specific section on amalgamation grants. This section should define the types of grants and the conditions of concession and implementation. NALAD and the Danish Ministry for Financial Support to Local Government Amalgamations propose a local government fund established by law and managed by the secretariat.³⁰ It recommends a number of activities that can obtain funding for encouraging and reducing the negative impacts of the amalgamation: studies (research into the conditions and possibilities of territorial and amalgamation reform); elections (to support extraordinary elections to the new council); implementation (calculated per inhabitant and involve all the implementation expenses such as integration of municipal registers and databases or creating new institutions), compensation for reduction in state block grants, etc.³¹

The example offered by the Finnish experience reveals three types of grants that can be considered.³² There is a grant given according to the size of population, with smaller municipalities receiving higher amounts to avoid that they lag behind. A second type of grant is used to offset the possible loss of state grants as a result of amalgamation, which offers compensation for a five-year

²⁸ NALAD (1999). *Local Government Reform in Estonia*.

²⁹ *Ibid.*

³⁰ NALAD (1999). *Local Government Reform in Estonia*.

³¹ *Ibid.*

³² Ministry of the Interior of Finland (2003). *Amalgamation of municipalities-process in a nutshell*.
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period following the amalgamation and gradually declines overtime. A third grant is given by the Finnish state for implementing the amalgamation process between 1 January 2003 and 1 January 2005 to encourage a timely completion of the process.

5. Evaluation and monitoring

The amalgamation process should be monitored during its implementation and be evaluated after its completion. The monitoring function should be the responsibility of the secretariat. To be most effective, the evaluation of its implementation can be carried out both by an in-house consultant and an independent evaluator. Both types of evaluations look at the degree of achievement of the objectives of the amalgamation, and ideally the results should be compared and be made public. The evaluation process can propose measures to adjust the reform or even reverse it if it has failed. When, for financial reasons, it is difficult to carry out two evaluations, it is more advisable that the evaluation be conducted by an independent evaluator in order to avoid a biased inquiry. This last step is very important because the evolution of municipalities is something dynamic and can be subject to further changes.

Phase II: Compulsory Amalgamation

Compulsory amalgamation represents the second phase of the reform based on a top-down approach. Local government units that did not finally amalgamate through the voluntary process can be forced to amalgamate by compulsion. Municipalities enter this second phase, usually after a certain period of time, when they have rejected the proposed amalgamation approved in the preparatory stage. In this phase, the territorial-administrative reform secretariat, based on its studies on territorial amalgamation, starts forced amalgamations according to the most efficient scenarios proposed. However, this forced amalgamation should take into account the historical and identity background of the communes and collaborate with the municipalities involved through dialogue, although the process is top-down.

Recommendations

Given the above illustration of an ideal territorial-administrative reform process based on the experiences of some relevant recent examples in Denmark, Finland, Latvia and Estonia, the OSCE Presence would like to offer the following recommendations derived by applying the main principles to the specific case of Albania:

The territorial-administrative reform process should be carried out in accordance with the provisions of the *European Charter of Local Self-Government*, especially with its objectives, methods and results.

The Presence emphasises the importance of taking into account that although territorial amalgamation is often seen as the solution to the financial problems of municipalities and thus, their inefficiency, evaluations of territorial administrative reforms also point out that amalgamation might only be part of the solution and “improvements in other aspects of municipal services will require further reforms.”³³ Amalgamation alone may not produce the desired outcomes.

The step-by-step territorial reform proposed by the Presence points to *best practice* as identified by analyses of the experiences in the aforementioned countries. Territorial reform should not be rigid, however, because there might be a need for adaptation and adjustment of the criteria for local conditions. It is important to be aware that specific problems can appear during the amalgamation

³³ World Bank Infrastructure and Energy Sector Unite Europe and Central Asia Region (2003). *Latvia Beyond Territorial Reform*. (8 April 2003. p.39. [http://lnweb18.worldbank.org/eca/ECSPEExt.nsf/ECADocByUnid/C0D4A6A44468316E85256DA300640DF1/\\$FILE/Latvia%20Beyond%20Territorial%20Reform.pdf](http://lnweb18.worldbank.org/eca/ECSPEExt.nsf/ECADocByUnid/C0D4A6A44468316E85256DA300640DF1/$FILE/Latvia%20Beyond%20Territorial%20Reform.pdf). Accessed 9 September 2004.

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process that could lead to additional changes. Therefore, the Presence suggests that the amalgamation process include an evaluation and monitoring phase. This can allow for proper adjustments when needed to make it successful and ensure transparency and accountability.

The establishment of the Ad Hoc Parliamentary Committee on Territorial Reform represents a positive step towards building a wide political consensus for these important changes. Apart from reviewing the law governing the amalgamation process, in particular the amalgamation criteria contained therein, the ad hoc committee can also oversee the entire amalgamation process and review the amalgamation proposals for the eventual approval by the whole Assembly.

The ad hoc committee can be assisted in its duties by a group of experts from the Institute of Statistics (INSTAT), the National Geographic Institute, the Ministry of Finance, as well as by representatives from the local government associations, including the Albanian Association of Municipalities, the Association of Communes and the Associations of Regions.

The ad hoc committee with the assistance of their appointed group of experts should be responsible for amending the draft law on territorial reform.

The ad hoc committee should establish a territorial-administrative reform secretariat as an independent body within the State, perhaps under the guidance of the Ministry of Local Government and Decentralisation. The secretariat should be formed by an interdisciplinary group of experts in the field of territorial-administrative reform that will lead the amalgamation process. Experience in other European countries has shown that this is the best way to accomplish amalgamation with success and efficiency, as well as, avoiding situations of gerrymandering. This secretariat should be mandated to report back to the ad hoc committee periodically on the progress of the amalgamation process. One of the main duties of this secretariat is to be in charge of managing the amalgamation fund. This fund should be used to implement the amalgamation process. The secretariat can be based in the Ministry of Local Government and Decentralisation and should have several branches covering the country. The secretariat will lead the amalgamation process, encourage and participate in the dialogue with the affected local government units, monitor and conduct in-house evaluation of the territorial reform. Final decisions on amalgamation will be taken by Assembly based on the proposals made by the secretariat.

The schedule of the amalgamation process should be realistic because it is the only way to implement it properly. Based on the findings of previous experiences, successful accomplishment could take years. The law should determine the specific deadlines. However, the secretariat should be able to designate the specific dates for each amalgamation case.

The Presence recommends that the amalgamation criteria contained in the existing draft law should be redefined because the present criteria are rather vague. The main goal of amalgamation should be efficiency, although at the same time be respectful with the history and identity of the municipality. As noted earlier, the criteria of amalgamation should include and define the following by taking into account the context of Albania well defined municipal centre, a maximum allowance distance from the centre, the demographic situation, the economic situation and tax base, the economies of scale, potential synergies, limitations and difficulties of the local government to cope with their duties, the number of services to be carried out uniformly across the territory, geographical conditions, infrastructure, capabilities of providing services to a territory, history and cultural identity. The secretariat can be in charge of redefining the criteria and its thresholds. It is, however, very important to be aware that the criteria could be modified to increase the efficiency of a particular territorial amalgamation process.

The Presence recommends creating a fund for amalgamation controlled by the territorial-administrative reform secretariat that should include amalgamation grants. This is the best option for a successful reform because Albania is a country with limited resources, particularly at the municipal level. It is also important to increase the level of taxes handle by/or submitted to the local government units. The amalgamation grants should be designed by the secretariat after conducting a study to determine the types of grants and the amount of money needed for the amalgamation process. It is advised that, although the grants are specifically used for voluntary amalgamation, compulsory amalgamation should not produce negative actions or punishment of local government units. This is particularly recommended in the case of Albania due to the limited resources of its municipalities and their financial and socio-economic conditions. Compulsory amalgamation can include funds related to decrease the negative impacts of amalgamation from the financial point of view on former local government units. Moreover, the secretariat, should conduct further financial research determining the precise amount needed.

Although regional councils have been established and government-appointed prefects have an oversight role, Albania still lacks an effective regional level of government between municipalities and the central government. At present, the regional level in Albania looks more like an association of municipalities than a real regional government. This is something that requires attention lest the reform process not make a real impact on furthering decentralisation. Amalgamation is a strategy to make the administration more flexible, but it is not designed to overstretch local government units. Therefore, parallel to the amalgamation process, the regional level should be built up as a government level above local governments units with its own competences. This is in order that the principles of flexibility and efficiency that amalgamation and decentralisation aim at are fulfilled.

It is recommended that the territorial reform take into account regional policy of the European Union (EU). Territorial reform is the ideal opportunity to prepare local government units for the EU pre-accession and accession process. Therefore, the territorial reform should be conduct having in mind future Albanian integration in the EU. In this sense, Albania should develop the regional level (second tier) of the administration to be suitable for future EU structural and cohesion funds. Furthermore, it should look for opportunities offered by the CARDS programme and the Interreg initiative.

The possible option of a referendum could be considered in order for the joint commission to get advice from the residents and also to make it more democratic.

To sum up, the Presence recommends revising the present Law on Territorial Administrative Reform and related laws because there is a need to redefine the criteria, the process and the timing of amalgamation. These proposed changes in the legislation are a result of the observations made by the Presence above.

APPENDIX

Summary of responsibilities of State and local authorities in the amalgamation process

The responsibilities of the different actors involved in the amalgamation process are based to a great extent in the CoE³⁴ and NALAD³⁵ recommendations.

Responsibilities at the central level

The State participates in the amalgamation reform through the Parliamentary Ad Hoc Committee on Territorial Reform, the Ministry of Local Government and Decentralisation and the Territorial-Administrative Reform Secretariat.

The **Parliamentary Committee on Territorial Reform** should include the opposition and be formed by a balanced number of MP from the Assembly. It is the responsible of taking the final decision on amalgamation and it is responsible for appointing and overseeing the territorial-administrative reform secretariat. Its duties should be to³⁶

- to discuss and elaborate the law on territorial reform;
- to discuss and approve the amalgamation proposal(s) presented by the Ministry of Local Government and Decentralisation that will be voted by the full Assembly;
- discuss and monitor the overall territorial reform process;
- discuss and review concrete government proposals;
- appoint the territorial-administrative reform secretariat.

The **Ministry of Local Government and Decentralisation** will present the concrete proposals approved by the territorial-administrative reform secretariat to the Assembly through the Parliamentary Ad Hoc Committee on Territorial Reform, which will give the final decision whether to amalgamate the proposed municipalities or not. As NALAD³⁷ points out, the ideal is that the decision-making is delegated to a single ministry instead of the Government as a whole. This is due to the fact that the reform process will go faster, the responsibilities of whom takes the decision within the Government are clarify and it is much more practical and efficient to involve only one ministry.³⁸

The **Territorial-Administrative Reform Secretariat** should be an independent body that can be under the Ministry of Local Government and Decentralisation. It should be formed by an interdisciplinary technical expert group selected to manage the territorial amalgamation process. Its duties should be to³⁹

- elaborate a standard methodology for investigations on the possibilities of amalgamation;
- prepare investigations on the need for territorial reform and local government amalgamation;
- elaborate guidelines for amalgamation contracts;
- propose municipalities to amalgamate;
- assist, co-ordinate, supervise and advise local governments on amalgamation and joint amalgamation commissions;
- provide information to the press and the public about the territorial reform;
- conducts seminars on territorial reforms;
- control, monitor and evaluate the amalgamation process;

³⁴ CoE Steering Committee on Local and Regional Democracy (CDLR) Final Activity Report.

³⁵ NALAD (1999). *Local Government Reform in Estonia*.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*

- evaluate the amalgamation proposals in order to be submitted to the ministry responsible for territorial administration;
- manage the amalgamation grants through an amalgamation fund;
- approve/reject amalgamation proposals presented by local government units;
- provide analysis and advise to the Ministry of Local Government and Decentralisation;
- to prepare concrete proposals of territorial amalgamation after the phase of voluntary amalgamation;

The secretariat should be formed by full time experts at least from the fields of regional economics, public administration and human geography. Their working method should be as an interdisciplinary team and will have delegations through the country.

Responsibilities at the local level

Local governments are the main actor in the bottom-up amalgamation process. In fact, they can request voluntary amalgamation to the central government. Furthermore, they are in charge of taking the decision over the amalgamation proposal to be presented to the Secretariat for approval. They participate in the process individually, through the Association of Municipalities and Communes and, especially, through the joint amalgamation commission.

Local governments are the main targets of the amalgamation reform. They interact with the territorial-administrative reform secretariat. Furthermore, they participate in the amalgamation reform individually and through the joint amalgamation commission. The proposal of amalgamation could be requested by local government council. The local government units participate in the dialogue and the discussion of amalgamation. They receive technical assistance and information from the secretariat, which provides them with advice on the issue of amalgamation and helps them to implement the reform process. Municipal councils with the assistance of the Secretariat prepare, examine and vote on an amalgamation proposal. Municipal councils could arrange consultative referendums for getting advice prior to taking a final decision. They interact with the other local governments involved in the amalgamation through the joint amalgamation commission. In this process, the local government will encourage the participation of citizens in the reform in order to make citizens see themselves as participants in the process as well as a sign of transparency. Once the local government units agree on the amalgamation proposal they present it to the Secretariat for approval. If the amalgamation proposal is finally approved by the Parliamentary Ad Hoc Committee on Territorial Reform, local government units will work together with the Secretariat in the implementation of the reform. Thus, in the voluntary amalgamation process local governments are in charge of taking the decision over amalgamation proposal. In sum, local government units must be the core element in the reform process and should see themselves as participants in the process in order that is democratic and legitimate and at the same time gets the support of the citizens.

A **Joint amalgamation commission** is the channel through which local governments involved in the amalgamation process interact and participate. It is the body in charge of the co-ordination of the local governments involved in the process. According to NALAD, a joint amalgamation commission should include the top decision-makers from each municipality, but should avoid including actors with personal interests in the issue, such as administrative personnel, as this might put at risk the commission's capabilities to conduct their task with efficiency and independence.⁴⁰ Furthermore, it should be formed by equal number of members from each local government involved in the amalgamation process, but not too large in order to work with efficiency.⁴¹ NALAD, however, strongly recommends that the commission should seek the advice of interest groups and

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

key persons in the local government units.⁴² A joint amalgamation commission is assisted and works closely with the territorial-administrative reform secretariat in building the amalgamation proposal. According to NALAD the joint amalgamation commission its duties should be to⁴³

- to develop, co-ordinate and monitor the action plan during the amalgamation;
- to gather and analyse and distribute relevant information to the participating local government councils and citizens;
- on the basis of the investigations and discussions to elaborate a draft of the amalgamation proposal and submit it to the municipal councils

Associations of municipalities and communes Can be one of the preliminary forums for discussion in launching the amalgamation process and can be used for information sharing throughout its implementation.

⁴² *Ibid.*

⁴³ *Ibid.*

Fjala e ministrit te Arsimit dhe Shkences z. Genc POLLO
Ne konferencen decentralizimi dhe qeveria vendore ne Shqiperi
Tirane, Hotel Sheraton, 3 shkurt 2006, ora 14.00

Te nderuar zonja e zoterinj,

kam kenaqesine te marr pjese ne kete konference kushtuar nje teme kaq te rëndesishme si roli dhe perspektiva e qeverisjes vendore te organizuar nga aktore me te cilet personalisht kam nje histori te gjate bashkepunimi.

Dhe qe ne fillim do te thoja duke besuar pergjegjesite e transferuara ne terren sjellin sherbimet me afer komunitetit perfitues, rrisin pjesemarrjen e ketij te fundit ne vendimmarrje si dhe ngrene efektivitetin e perdorimit te resurseve.

Në vitet '90 Shqipëria nuk hyri në rrugën e një reforme arsimore tërësore, por, në vend të saj, ndërmoi një varg reformash të pjesëshme, jokoherente dhe që nganjehere konfliktin me njera-tjetrën. Në mënyrë që të përmbushë misionin e tij, sistemi arsimor shqiptar ka nevojë të domosdoshme dhe të ngutshme për një reformim të mëtejshëm të thellë e të gjithanshëm.

Gjatë dhjetë viteve të fundit, tentativat reformuese në arsimin parauniversitar nuk i kanë dhënë vemendjen që meriton reformës së decentralizimit arsimor. Kështu p.sh. ne kemi shpenzuar shumë para, kohe, ekspertizë të jashtme dhe të brendshme për trajnimin masiv të mësuesve e megjithatë mësimdhënia tipike mbetet tradicionale, verbale, me qendër tekstin dhe me vemendje të pamjaftueshme ndaj nxënësve me vështirësi në të nxënë. Arsyeja kryesore është se, ndërkohë, ne nuk e kemi zgjeruar hapësirën vendim-marrëse të mësuesit në përmbajtjen dhe ritmet e mësimdhënies.

Duke mos zgjeruar përgjegjësitë dhe autoritetin e institucioneve dhe të individëve në to, kanë mbetur ende të pashfrytëzuara kapacitetet ekzistuese të mësuesve dhe të menaxherëve arsimorë qëndrorë, vendorë dhe shkollorë.

Sistemi arsimor shqiptar, megjithëse me disa nivele qeverisjeje dhe disa përpjekje decentralizuese, është ende fort i centralizuar. Shumë vendime, që ndikojnë te nxënësit, janë në duart e njerëzve të cilët janë larg realitetit të drejtpërdrejt shkollor. Nga ana tjetër, sistemi arsimor është ende larg funksionimit si shërbim publik, që do të thotë se nevojat dhe interesat e klientëve nuk përcaktojnë ende standardet e këtij shërbimi.

Përkujdesjet strategjike të deritanishme anojnë vetëm nga decentralizimi lokal dhe lenë jashtë vemendjes autonominë shkollore, duke rrezikuar kështu transferimin e centralizimit të tepruar nga niveli qendror në atë lokal.

Përveç kësaj, në reformimin e e qeverisjes në nivel shkolle mbizotëron qëndrimi i ngushtë “etatist”, që do të thotë riformulim i rregullave të marrëdhënieve të shkollës me hierarkinë qeveritare, duke mospërfillur kështu përfshirjen e shkollës në tregun e shërbimit arsimor, madje deri në funksionimin e saj si një organizatë biznesi.

Ne besojme se një porcion lirie profesionale shndërrohet në një porcion profesionalizmi.

Decentralizimi, që po ndërmarrim mbështeten në besimin se:

- Përgjegjësia individuale dhe institucionale rritet në përpjesëtim më shtimin e hapësirës së tyre vendim-marrëse;

dhe se

- Rritja e përgjegjësive individuale dhe institucionale favorizon përmirësimin e cilësisë së shërbimit të individit dhe të institucionit.

Decentralizimi do të krijojë mundësi të mëdha për instalimin e mekanizmave të transparencës dhe raportueshmërisë.

Ne e dimë se nuk ka një model të vetëm decentralizimi arsimor, i cili do të mund të kopjohej nga të gjitha vendet. Cdo vend konfigurim një formë qeverisje arsimore e cila i përshtatet më mirë traditës dhe aspiratave të tij. Përvijimi i reformës së decentralizimit arsimor është një proces i dilemës së alternativave.

Dilemat kryesore janë: Menaxhim kryesisht mbi bazë shkolle apo menaxhim mbi bazë vendore, kryesisht zgjerim i fuqisë vendim-marrëse organeve të zgjedhura apo të emëruara? Pastaj cilat funksione arsimore do të prekë decentralizimi dhe në ç’thellësi?

Reforma jonë e decentralizimit arsimor kalon në çpleksjen e tri nyjeve.

Nyja e parë është veçimi i qartë i përgjegjësive të nivelit qendror. Niveli qendror ende mbahet fort pas disa përgjegjësive të cilat do të përmbusheshin më mirë po që se do t’i kalonin nivelit vendor ose shkollor. Shqyrtimi i imët i kësaj mundësie, në bashkëpunim me nivelet e tjera të qeverisjes arsimore, është një drejtim i rëndësishëm i yni.

Ndarja e qartë e përgjegjësive në mes niveleve lokale (qark/bashki apo qark/komunë) dhe shkollë është problemi i dytë-nyjë i qeverisjes arsimore.

Qeveria vendore paraqitet ende thjesht si një intendente e arsimit, përderisa kufizon përgjegjësinë e saj kryesisht në investimet dhe mirëmbajtjen e shkollave dhe nuk ka ndonjë rol në formulimin e misionit të shkollave nën juridiksionin e vet dhe në menaxhimin e tyre.

Ne synojmë që tërësia e përgjegjësive të nivelit lokal në arsim të jetë e mjaftë që zgjedhësit ta shohin qeverinë vendore si faktor me rëndësi në cilësinë e shërbimit arsimor, por animin kah autonomia shkollore, si instanca e fundit e këtij shërbimi, mendoj do të dueht të ishte zgjedhja jonë strategjike. Nëse klasa dështon atëherë dështon i gjithë sistemi arsimor. Ne besojmë se një autonomia shkollore është një nga elementët më me shpresë në rritjen e efektivitetit dhe eficiencës së sistemit tonë arimor.

Problemi i tretë-nyjë i është lloji i autonomisë shkollore. Jo të gjitha format e decentralizimit shkollor sjellin një demokraci më të madhe politike. Zhvendosja e vendimmarrjes në shkolla, mund të rrisë pjesëmarrjen e drejtorëve ose të mësuesëve në marrjen e vendimeve, por jo të qytetarëve. Ky rrezik mund të shmanget me një balancim të përgjegjësive në mes shkollës dhe bordit të saj. Ne parashohim një një rol esencialisht të ri të bordit sidomos në planifikimin strategjik të shkollës dhe në fushën e personelit duke synuar kështu të institucionalizojmë të drejtën e prindërve, në rradhë të parë, për të ndikuar në politikat dhe praktikat e shkollës.

Një reformë kaq shumë ndikuese në fatin e cilësisë së arsimit shqiptar, siç është ajo e decentralizimit, kërkon një ridimensionim të seriozitetit në përvijimin dhe pastaj zbatimin e saj. Një ndër hapat në këtë drejtim është dialogu me grupet e interesit.

Nuk është fjala thjesht dhe vetëm për të informuar mjaftueshëm profesionistët dhe publikun e gjerë për çka do të ngjasë, megjithëse, si rregull pa asnjë përjashtim, ky informim nuk ka ndodhur. Tanimë duhet të ndodhë ky informim, por nuk është fjala për ta mbyllur me kaq.

Rëndom te ne, por jo vetëm te ne, strategët arsimorë besojnë se idetë tërheqëse, paratë dhe një trajnim i bollshëm janë tre kushtet e mjaftueshme për mbarësinë e çdo reforme. Ky është thelbi i mendësisë së reformës “nga lart-poshtë”.

Një parakusht i suksesit të çdo reforme komplekse, siç është ajo e autonomisë shkollore, është kalimi në sitën e zbatuesve të fundit të saj, d.m.th. të shkollës, e skicës së politikabërëse. Askush tjetër veç zbatuesve të fundit nuk është në gjendje ta “mbushë” skicën me të gjitha hollësitë dhe të bëjnë realitet entuziazmin e strategëve arsimorë.

Ne synojmëpra, jo informim, po bashkëpunim në nivelin e bashkëautorësisë për projektin e autonomisë shkollore. Me fjalë të tjera, nevojitet patjetër plotësimi i reformës “nga lart-poshtë” me atë “nga poshtë-lart”.

Duhet doemos kjo qasje edhe për një arsye tjetër vendimtare për suksesin. Çdo reformë, që prek interesa të thella të një mase të madhe njerëzish, ia del mbanë vetëm po qe se ngjizet sipas kulturës së vendit, d.m.th. sipas traditës dhe besimeve të tij të thella mbi vlerat.

Përcaktimi i ritmit të duhur të reformës së decentralizimit arsimor është thelbësor për të marrë frytet e saj. Lëvizjet e shpejta drejt decentralizimit politik në vendet post-komuniste jo gjithëmonë kanë çuar në permirësimin e kushteve për shkollat, nxënësit apo mësuesit.

Mendoj se një fazë pilotimi i do të mundësojë gjetjen e përgjigjeve për hollësitë e reformës së decentralizimit arsimor. Ky pilotim dhe reforma decentralizuese në përgjithësi do të jetë një proces i matshëm, i kontrollueshëm edhe nga joprofesionistët, i mbështetur në tregues të performancës së sitemit arsimor, kurse monitorimi do të realizohet nga organizma të specializuara dhe nga opinioni publik.

Pjesëmarrja e gjerë e grupeve të interesit (përdorues dhe konsumues të shërbimit arsimor) në përvijimin e një pilotimi transparent dhe efikas, në zbatimin e tij, në monitorimin dhe vlerësimin e tij sistematik dhe në shtrirjen shkallë-shkallë të përvojave të përftuara, janë parakushte, gjithashtu, të parandalimit dhe pakësimit të rreziqeve që mbart decentralizimi dhe autonomia shkollore.

Kjo reformë ka shumë sfida. Ne kemi vendosmërinë për t'i përballuar ato.

Albania: Decentralization in Transition
Nadir Mohamed, Country Manager, World Bank Office, Tirana

HE The Minister of Interiors, Mr. Olldashi
Mr. Edi Rama, Mayor of Tirana
Mrs. Uma Faps
Ambassadors Han-Peter Annen
Ambassadors, Head of Agencies
Ladies and Gentlemen,

I am very grateful to the organizers of the conference for giving us a chance to discuss this timely and important issue.

I would like to briefly share with you, our stand on decentralization, our assessment of progress made so far as well as the opportunities and challenges going forward.

Without spending too much time, I would like to only state we believe in the Bank, based on our experience around the world (World Bank World Development Report on Service Delivery), that the more you bring service delivery to the clients, the more you get better results, cut corruption and inefficiencies. This would not take place, however, if capacity, accountability and transparency are weak at local levels.

Our recently approved CAS for Albania provides a clear stand on the issue of decentralization and our support to it, and I will highlight its focus towards the end of my statement.

Let me first share with you our assessment on progress made so far in political and administrative decentralization in Albania and the obstacles it currently faces.

The decentralization process gained considerable momentum in the last five years. Although Albania started on a path of political decentralization in 1992, the pace of devolution picked up markedly in the last five years because of the strong demand for improving public service delivery, governance and accountability in the use of public resources, and strengthening local autonomy. Following the ratification of the European Charter for Local Self-Local Government and the adoption of the Law on the Functioning and Organization of Local Self-Government in 2000, a Government Decentralization Implementation Strategy was approved, and good progress has since been made in establishing institutional arrangements for implementation of the strategy. The major achievements in the last three years include: (i) completion of the basic legislative framework for territorial administration; (ii) implementation of the existing regulation on local government property rights; (iii) assignment of specific responsibilities and authorities to local governments—including those concerning shared-functions; (iv) assignment of an adequate degree of revenue autonomy to local authorities, and establishment of an equalization transfer mechanism to minimize bureaucratic and political influence; and (v) adoption of a training strategy for local public officials.

However, the decentralization process is still hampered by several constraints. Though confidence in local governments is increasing and a few municipalities and communes have been able to achieve tangible results in service delivery and urban development, the implementation of reforms to successfully decentralize fiscal and administrative decisions has been uneven and is lagging behind schedule. There are still institutional weaknesses and low implementation capacity which limit the voice and participation of citizens in local affairs as well as the transparency, and accountability of local governments. Political resistance and bureaucratic stumbling blocks also continue to delay the pace of decentralization. The specific competencies of regions, municipalities and communes

need more clarification, especially for shared functions, to avoid inefficiencies and duplication or under-provision of services. The drafting of the new Law on Local Budget and the new Law on Local Finance (including the badly needed national tax sharing arrangement) is still pending. The fragmentation of local government units and the undefined role of the regions complicate a uniform attribution of responsibilities and affects local public service delivery efficiency, fiscal transparency and fiduciary accountability.

The World Bank has been supporting the process throughout the last decade. Our new Country Assistance Strategy for Albania has been approved last month to guide our support program in Albania in the next four years. Decentralization is one of the most important areas in this support program. All of our support will pass through what we call a Governance Filter has four guiding principles: (i) fiscal transparency and efficiency in the use of public resources; (b) adequate local autonomy (on expenditure and revenue); (c) strengthening mechanisms for advocacy and citizen participation and (iv) support to decentralization

The current World Bank support at this stage of the Albania decentralization strategy: (a) the IDF Grant to enhance institutional capacity on intergovernmental fiscal relations (including preparation of a Law on Local Government Finance); (b) the decentralization component at DPL, as a cross-cutting tool (including in education, health, social assistance, infrastructure--mainly water, wastewater, sewerage, and transport); and (c) a new project that will focus on land registration, management and urban development. It envisages support to infrastructure upgrading in municipalities that strengthens their reform efforts in areas of land registration, urban planning, participation and transparency, adoption of a real estate tax, etc.

The World Bank has completed a comprehensive review of the Decentralization process in Albania two years ago. We will be happy to share with you the main findings by providing hard copies for those who cannot access our web site: www.worldbank.org.al (both in Albanian and English). The main author of the report is in Tirana together with other colleagues for implementation follow up and for guiding our future support to decentralization in Albania. They will participate in the activities and deliberations of the conference today and tomorrow.

Many thanks and wish you fruitful deliberations and discussions.