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# Citizen Participation in Decision Making Process in Albania: The Case of Local Government

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## **Abstract**

This paper focuses on the participation of citizens in decision making process in Albania. It analyses the regulator legal framework and attitudes of citizens participation in the decision-making process and assess citizens participation in the decision-making process. The original contribution of this research is the empirical analysis of citizens participation in Albania obtained during the summer 2018 and fall 2019. The paper concludes that while the legal framework is in line with international and European standards, empirical data shows a low level of citizens involvement in the decision-making process.

## 1. Introduction

Citizen participation is an opportunity for individuals to influence in the decision-making process for issues that affects their lives. Involvement of citizens in the decision-making process started after the second world war. As a result of social and political changes, in the late 1960s, local officials were forced to collaborate and build strong relationships with neighborhood associations with the purpose to gain support during elections (Wilson, 1963). Civil engineering experts started to be engaged for different projects as experts. However, such practice was limited due to lack of willingness of city administrators to collaborate (Warren, 1969). In the 1970s, public participation was characterised as one-way communication where the government produced and provided the information to citizens. The situation changed in 1980s. Collaborative approach was introduced where citizens were able to provide their opinion or feedback to the government and feel fairly treated and feel that decisions are made in fair ways. The early 1990s was a starting point of social media and increased of role of computer-based technologies. Social media tools allow people to contribute with different ways into planning process (Evans-Cowley & Hollander, 2010).

After the fall of communist regime, Albanian policy shifted from central planning policy, where the central government controlled everything, toward an open market economy. In this context, Albania

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underwent to a series of political, economic and legal reforms. The main challenge was how to involve citizens in the decision-making process. While regulatory legal framework gradually introduced main general principles to enable citizens to participate in decision making process, still persists some challenges such as: i) little information on the consultation process; and ii) low level of participation of citizens in decision-making process; and iii) decline of citizen's trust and interest in politicians and political institutions.

While academic literature suggests that citizens' participation in the decision-making process is an important pillar of democracy (European Institute for Public Participation, 2009; Michels & De Graaf, 2010; Tanaka, 2007; OECD, 2001), it is important to note that citizen's trust and interest in politicians and political institutions has declined in a number of countries (Alibegović&Slijepčević, 2018).). This paper focuses on the participation of citizens in decision making process in Albania and assess attitudes of citizens participation in the decision-making process. This research relies on primary and secondary data, which are used according to the specific goals of the paper. The primary data are collecting by questionnaires distributed different citizens in big cities such as Tirana, Shkodra, Durres, Elbasan, Fier, Korca, Saranda, Peshkopi and Vlora. These cities were selected due to the large size of population and high number of issues concerning citizen's needs.

The study was carried out in all selected cities and considering as a target group the citizens from 15-70 years old. A questionnaire was prepared to find out citizens involvement in the decision-making. The questionnaires contained both quantitative and qualitative data. Out of 800 questionnaires distributed, only 585 (73% response rate) were returned. The SPSS (Statistical Package for Social Sciences) Computer system has been used for analyzing data and running statistical tests; whereas descriptive statistical analysis was employed to determine distribution of the respondents in percentage. The qualitative data aimed to provide important findings in order to promote new reforms to encourage citizens' involvement in decision making process and focus on all steps of policy process from agenda setting to implementation in all government levels.

The paper consists by this introduction and 4 section. The second section provides a short literature review on the importance of citizen participation for effective reforms in political and economic sector. The third section outlines the regulatory legal framework of the citizen's involvement in the decision-making process at the central and local level. The original contribution of this paper is the empirical analysis of citizens participation in Albania obtained during the summer 2018 and fall 2019 (fourth section). The paper concludes that while the legal framework is in line with

international and European standards, empirical data shows a low level of citizens involvement in the decision-making process.

## 2. Theoretical Foundation of Public participation in the decision-making Process

Nabatchi and Leighninger(2015, p. 6) define public participation as ‘an umbrella term that describes the activities by which people’s concerns, needs, interests, and values are incorporated into decisions and actions on public matters and issues’.The World Health Organisation (quoted in Fraser, 2009) defined public participation as a “a process by which people are enabled to become actively and genuinely involved in defining the issues of concern to them, in making decisions about factors that affect their lives, in formulating and implementing policies, in planning, developing and delivering services and in taking action to achieve change”.

The emergence of citizen participation in policymaking is related with the increase focus of citizens in different policies aiming to improve the quality of government decisions and maximize community benefits (Box, 1998; Mannarini et al., 2010; Oldfield, 1990; Stivers, 1990). Considered as an important pillar of democracy (Michels & De Graaf, 2010; Tanaka, 2007; OECD, 2001; Burke, 1968), citizens participation in the decision-making process has been seen as a continuum process in which citizens' organizations can help to protect liberties, ensure justice and security, improve the quality of life, participate in budget planning discussion and monitor the expenditure (Alibegović&Slijepčević, 2018). Furthermore, citizens participate during budget planning to express their need and to monitor the expenditure (Tanaka, 2007). Creighton (2005), an internationally renowned facilitator and public participation consultant, argues that “public participation is the process by which public concerns, needs and values are incorporated into the governmental and corporate decision-making. It is a two-way communication and interaction, with the overall goal of better decisions that are supported by the public.” (p. 31).

Brodie et al (2009, p. 5.) distinct three areas of participation: individual, social and public. Individual participation relates to the everyday politics including the actions that indicate the kind of society in which individual wishes to live. Social participation focuses on collective activities like members of different communities, mutual or trade union, and also referred to cultural participation. Lastly, public participation refers to the engagement of individuals with democratic institutions and is set apart by participations’ inclusion in decision making process themselves which is referred as political, citizen or democratic participation.

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Public participation in the decision-making process has many benefits. Firstly, there is an increasingly growing consensus on the importance of citizen participation for strengthening democracy, promotion of good governance and improvement of the processes and mechanisms that can be used to achieve development goals (UNDP 2002). The attributes involved for good governance and democracy must include accountability, transparency, participation, efficiency, control of corruption, political stability, absence of violence and realization of human rights, which will contribute in building democracy and economic development (UNDP 2002). Most of the researchers suggest that citizen engagement is a key factor for promotion of democratic values as well as improvement of economic performance. Robert Dahl, an American political theorist, argues that democracies must provide equal and adequate opportunities for citizens as following: i) putting issues on the agenda; ii) expressing their views on those issues; iii) exercising some form of authority. (quoted in Agolli et al., 2013, p. 19). Thus, the public participation maintains credibility and legitimacy of both citizens and government.

Secondly, a positive correlation is found between civic engagement and economic growth in the transition countries. Citizen participation is the redistribution of power because it enables all citizens to be active in the decision-making process. In short, it is the means by which they can induce significant social reform which enables them to share in the benefits of the affluent society (Arnstein, 1969).

And finally, public participation educates citizens to influence decisions that affect their lives (Creighton, 2005, pp. 18-19). In the similar vein, Hartay argues that participation can help towards better decision-making and increasing partnership, ownership and responsibility in implementation. Also, civic engagement prevents conflict among different groups and between the public and the government and increases confidence in public institutions (Hartay, 2001, pp. 5-6).

According to the OECD methodology, there are three levels of cooperation between citizens and authorities in the decision-making process (OECD, 2001). The first level, named information, consists of a one-way relation in which the government produces and delivers information for use by citizens. Information covers both 'passive' access to information upon demand by citizens and 'active' measures upon which the government disseminates the information. The second level, named consultation, is a two-way relation in which citizens express their view on certain issues priorly defined by the government. The third level, active participation, consists of a relationship

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based on partnership with the government, in which citizens actively engage in the policy-making process(OECD, 2001, p. 2).

### 3. Legal framework in Albania and civic engagement

For more than 45 years, Albania experienced the harshest form of communism. After 1945, citizen participation at the decision-making process was only formally, to legitimacy what the communist party interests and ideology stipulated. In 1949, a law regulating local governance was adopted which remained in force until the regime changed in the 1990s (Law 684/1949). Local government did not play any role because political, economic and social lives was guided by the central government. Most importantly, local government officials were appointed by the central government in accordance with political ideology (Ndreu, 2016, pp. 56-64; Bogdani& Loughlin, 2007, p. 196). Furthermore, the local government budget was entirely funded by the central government (Isufaj, 2014, p. 459).

As the communist regime fell, Albania legal framework changed. International and European standards started to penetrate into Albanian legal system. In this context, at the central level, a constitution law was approved which introduced for the first-time provision stipulating that “sovereignty belongs to citizens who may exercise through their representatives or referendum” (Law 7491/1991, Art 3/2). On the other hand, at local level, in 1992, Albania introduced for the first time the Law 7572/1992 ‘*On Organization and Function of Local Government*’ which laid down the organization and functions of the local government. The Law 7572/1992 reflected the principle of self-governance, local autonomy, legality and free and fair elections (Article 1). While *de jure* civic participation was introduced in legislation, in reality, the participating level was very low.

As Albania adopted its Constitution in 1998 (Law 8417/1998), citizens role was increased in line with international and European standards. Albania ratified most important international convention such as: Universal Declaration of Human rights; the European Convention on Human Rights and Fundamental Freedoms (1996); the International Covenant on Civil and Political Rights (1991); Aarhus Convention (2001) and the European Charter of Local Self Government (2000). Drafted in line with these standards, the Albanian Constitution, in itself, did not contain a specific provision on the right of the citizens to participate in decision making process. This right derived from general principles such as: the people exercise sovereignty through their representatives or directly (art 2); the right to free access to information of public importance; the right to petition to authorities; right

to a healthy environment; the right to propose laws; the right to referendum, freedom of speech and association.

Furthermore, in 2014, the Law 119/2014 '*On the Right to Information*' and the Law 146/2014 '*On Announcement and Public Consultation*' were adopted. These laws increased the role of citizens in public participation and was applicable only for public sector. The Law 139/2015 '*On local self-government*' incorporated principles concerning the right of information and public consultation at local level. The main novelties are as follows.

Firstly, public bodies and SLGU are obligated to guarantee transparency of their activities for the public because an effective public participation is based on the right to access information which is the fundamental precondition of the active involvement of citizens. According to Law 119/2014 '*On the Right to Information*', every public sector as well self-local government unit should nominate one of the civil servants as coordinator for the right to information and approve the transparency program by providing access to all, especially to the vulnerable citizens of the community (Art 10/1). His/her power include, *inter alia*, providing access to every applicant to the public information and coordinating the efforts for meeting the applications for information within the time period provided in this law (Art 10/2a; c).

Secondly, Law 146/2014 '*On Notification and Public Consultation*' regulates the process of notification and public consultation of the draft-laws, national and local strategic draft-documents, and policies of high interest for the public. While this law stipulates the procedural rules to be applied in order to ensure the public transparency and participation in the policy-making and decision-making processes from the public entities, even the local self-government bodies are obliged to guarantee public participation in the decision-making process. According to the Law 146/2014 '*On Announcement and Public Consultation*', public bodies and municipalities should appoint a person as coordinator of public notification and consultation, who is responsible for the coordination and general administration of work to guarantee the right to notification and public consultation, provided by this law (Art 10). Law 146/2014 regulates the process of announcement and public consultation of the draft laws, project documents, national and local strategic plans and policies with higher interest for citizens. In addition, the Law 146/2014 stipulates procedural rules that should be applied to ensure transparency and public participation in the policy-making and decision-making processes of public bodies (Arts 1 and 3).

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Thirdly, Article 11 of the Law on Public consultation regulates the notification procedure for public consultation for public bodies. The notification for drafts law is done through the electronic register. Only in cases when it deems necessary, notification may be done in one or more of the following forms: i) electronic post; ii) announcement on the premises of the public institution; iii) with a notification in the national, regional or local audio-visual media, and iv) with the publication in local newspapers or in the two most widely read newspapers nationwide. After publication in the electronic register, the responsible institutions shall organize a direct consultations and public meeting with the interested parties (Law 146/2014,art 6).Whereas at local level public consultation is mandatory only for certain issues,<sup>1</sup> before reviewing and approving the acts. Public consultation should be done in accordance with the manner prescribed by the Council Regulations using one of the necessary forms such as: i) open meetings with residents and interest groups; ii) meetings with specialists; iii) meeting interested institutions and non-profit organizations; or iv) by taking the initiative to organize local referendums.

Lastly, Albanian Constitution recognises the right of citizens (20 thousands) to propose law (Art 81/1) and the right of citizens (50 thousands) right to a referendum for the abrogation of a law, as well as to request the President of the Republic to hold a referendum about issues of special importance (Art 150). While Article 108 (4) of the Constitution stipulates that the ‘Self-government in the local units is exercised through their representative organs and local referenda’, in practice, referendum, at the local level, has never been held. Furthermore, the previous Law – Law 8652/2000 – did not foresee the initiative right of citizens at the local level. The initiative right of citizens is recognised as well at the local level. According to Article 20 (1) of Law 139/2015, each community, either through its authorized representatives or not less than one percent of the inhabitants of the municipality has the right to submit for decision-making in the municipal council initiatives on issues falling within the jurisdiction of the local self-government unit. If the proposal has a financial impact on the budget of the local self-government unit, the council can not approve without obtaining firstly the opinion of the mayor of the local self-government unit (Law 139/2015, Art 20/2).

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<sup>1</sup> According to Article 18 of the Law 139/2015 and in conjugation with Arts 54 (a; dh; e; f; k) and 77 (a; dh; e; f; k), public consultation with Municipality or Regional Council is mandatory for the following issues: i) composition of Council Commissions and approval of internal regulation; ii) approval of the budget and its amendment; iii) approval of alienation of properties to the third party; iv) deciding on the local taxes and fees; and v) approval of norms, standards and criteria for the regulation of function given to Municipality Council.

As can be seen, Albanian regulatory legal framework has a positive approach concerning public consultation. Pursuant to Article 7, an electronic register, an official internet page used as central consultation point for draft laws, was established. Every draft law is published in the electronic registers for the notification and public consultation (Electronic Register, 2022). Interested citizens or experts are able to make comments in draft law. After that, the responsible public bodies organize a direct consultations and public meeting with the interested parties. These meetings shall be documented with a written-report (Law 146/2014, Art 6 para 2).

While the regulatory legal framework is completed and in compliance with international standards, the situation in practice is quite different. The following sections discuss the results of the survey on citizen participation in the decision-making process.

#### 4. Results of the Survey on Citizen Participation in the Decision-making process

The study was carried out in all selected cities and considering as a target group the citizens from 15-70 years old. A questionnaire was prepared to find out citizens involvement in the decision-making. The questionnaires contained both qualitative and quantitative data. Out of 800 questionnaires distributed, only 585 (73% response rate) were returned. The SPSS (Statistical Package for Social Sciences) Computer system has been used for analyzing data and running statistical tests; whereas descriptive statistical analysis was employed to determine distribution of the respondents in percentage. As shown in the figure 1 and 2, 57% of the respondents are male and 43% are female and almost half of the respondents have achieved the master's degree.

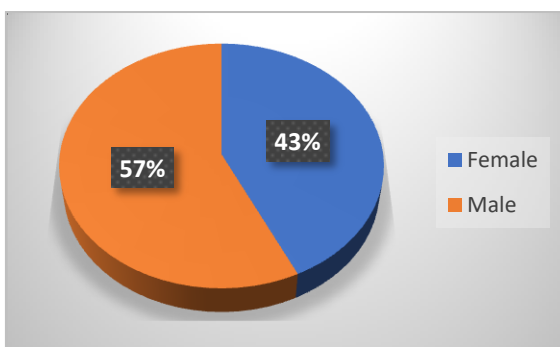


Figure 1: Gender



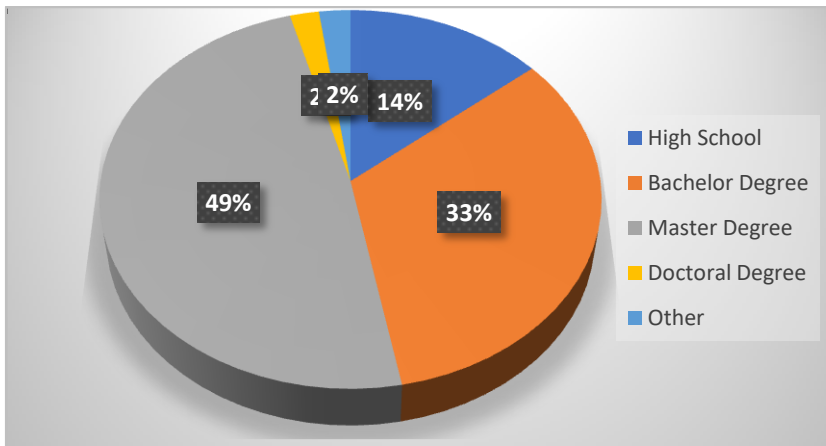


Figure 2. Education

As the Albanian populations have moved from small cities and villages in the capital city of Tirana, territorial and administrative reform was needed. Almost 31% of Albanian population is concentrated in Tirana (INSTAT, 2019). According to a survey, the main reason of the such movement relates to the education with 33 %, followed by employment opportunities with 19 % and better life conditions with 13 % (figure 3).

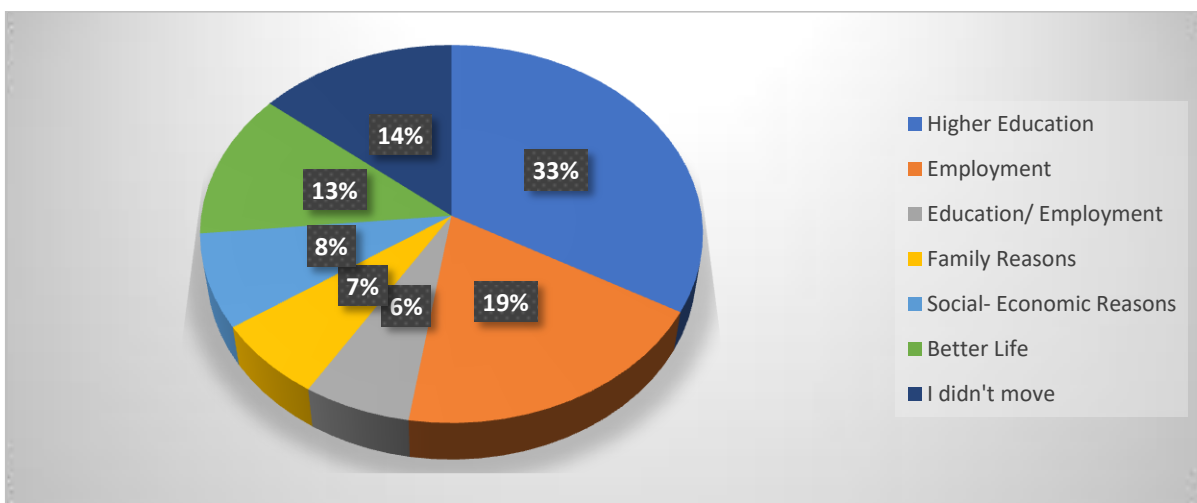


Figure 3 Reason to move in another city

The figure 4 shows the respondents answer “To Know what is **happened (happening)** in my country is...”. Approximately 46% of respondent’s thing that to know what is happened in their country is a civic duty, followed by democratic rights with 42 %.

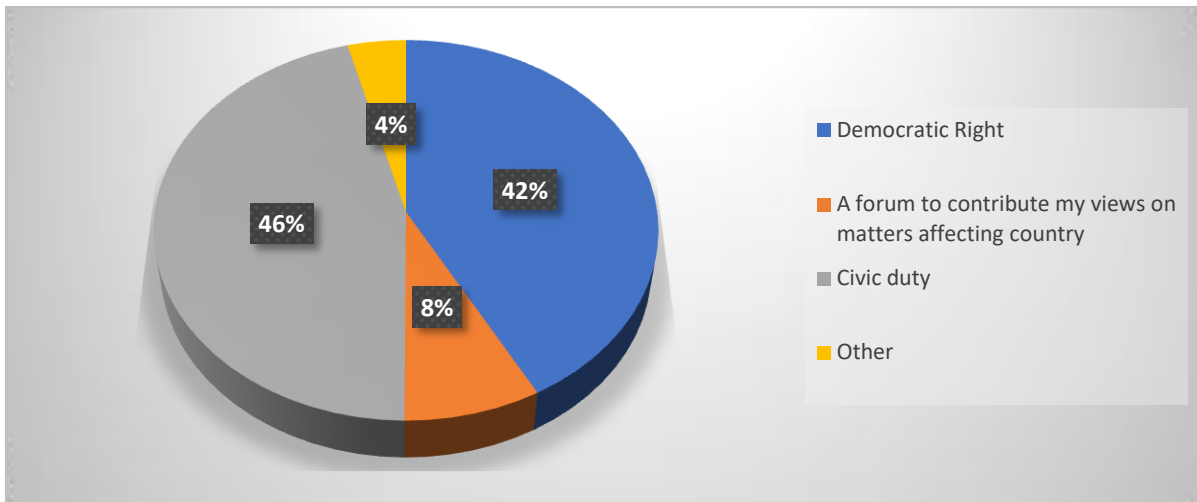


Figure 4: To Know what is happened in my country is:

When it comes to the participation in public opinion or consultation processes in the community, 85% of respondents responded that they have not participated in any public opinion or consultation process. Whereas 15% of the respondents affirmed positively that they have participated in local municipalities discussion or public hearings organized by parties during the voting session or social forums (figure 5).

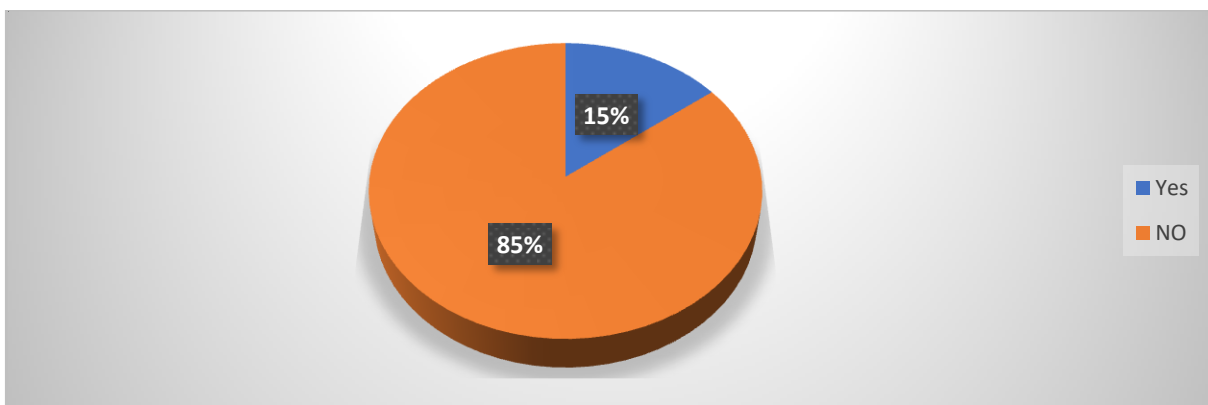


Figure5 Participation in Public opinion or consultation process in community

Table2 contains 5 questions regarding the relations between local government and public participation. Concerning whether the current regulation supports and encourages public participation in the decision-making process, 10, 24% were neutral, followed by 22% of respondents who strongly agreed, 21% of respondents agreed, 18% of respondents disagreed and only 14% of respondents strongly disagreed. This data implies that most of the respondents (43 %) agreed that the current regulation supports and encourages public participation in the decision-making process.

Furthermore, concerning whether the municipality has clear policy on public participation in decision-making process, most of the respondents disagreed that the municipality has clear policy on public participation in decision-making process, respectively 31% of respondents disagreed and 21% of respondents strongly disagreed. Only 24 % of respondents agreed, respectively 15% of respondents strongly agreed and 9% of respondents agreed. About 25% of respondents were neutral.

Regarding the regularity of conducting meetings by the municipality, 58 % of the respondents disagreed, respectively 29% of respondents strongly disagreed, 29% of respondents strongly disagreed. 15% of respondents strongly agreed and 5% of respondents agreed. 23% of respondents were neutral. Thus, more than half of respondents disagree on the regularity of the municipality council meeting.

Another question related whether the meetings are responsive to the needs of the citizens because they are done in time. Most of the respondents disagreed with 68 %; 19% of respondents were neutral and only 11% of respondents agreed (9% of respondents strongly agreed and 3% of respondents agreed).

Also, respondents were not informed whether there is a district policy or regulations that advocate public participation. 38% of respondents were neutral; 31 % of respondents agreed that there is a policy advocating public participation and 31% of respondents replied negatively, that does not exist any policy or regulation.

Finally, concerning whether the public is often involved in local government authority meetings or activity, most of the respondents disagreed, with 25 % strongly disagree and 35 %. Only 15 % of the respondents replied positively that the public is often involved in local government authority meetings or activity.

<b>Q1-Q5</b>	<b>The current regulation support and</b>	<b>The municipality has clear policy on public</b>	<b>There is regularity in conducting meetings</b>	<b>The meetings are responsive to the</b>	<b>There is a district policy or regulations that</b>	<b>The public is often involved in local government</b>
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	encourages public participation on in decision making process:	participati on in decision-making process:	by the municipali ty	needs of the citizens because they are done in time	advocate public participatio n:	t authority meeting or activity.
<b>Strongly Disagree</b>	14	21	29	33	13	25
<b>Disagree</b>	18	31	29	35	17	35
<b>Neutral</b>	24	25	23	19	38	26
<b>Agree</b>	21	9	5	3	6	3
<b>Strongly Agree</b>	22	15	15	9	25	12

Table 2: Question 1 - 5

Trust in government represents confidence of citizens in the actions of a “government to do what is right and perceived fair” (Easton, 1965). However, the data shows that most of the respondents around 57% don’t have trust in the decision-making process followed by 24% of respondents who think that people with higher trust on decision-making participate more effectively. Only 17% of respondents have trust in the decision-making process. 2% of respondents think that people with lower trust on the decision-making process participate more effectively (figure 6).

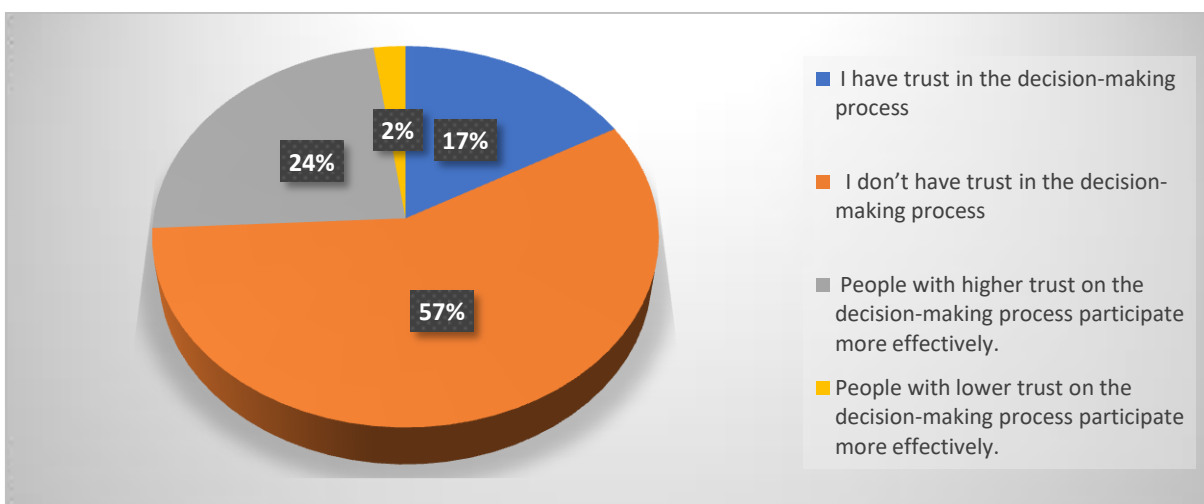
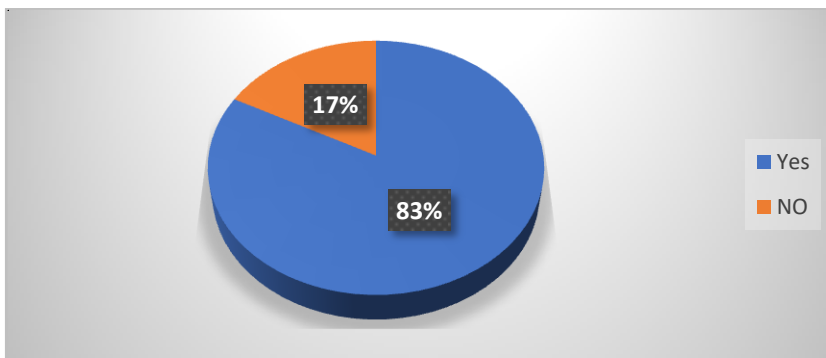


Figure 6: Public Trust influencing public participation in decision-making process

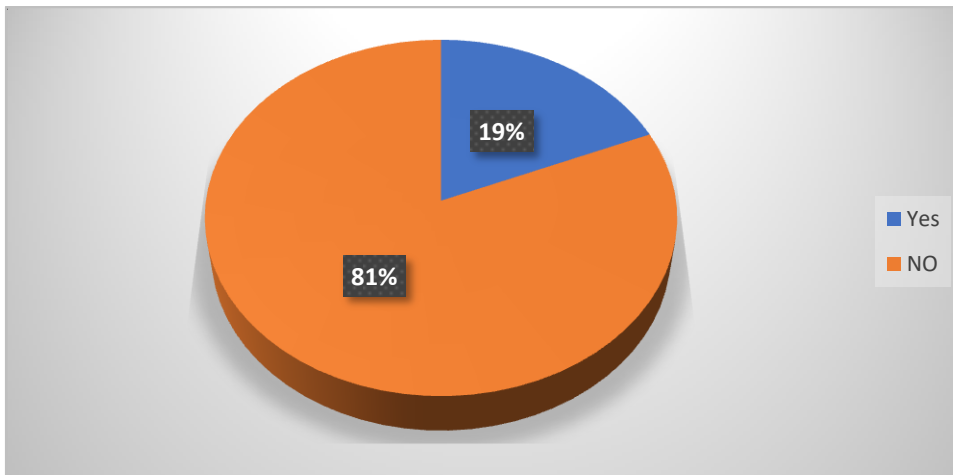
According to the data in figure 7, 83% of respondents think that citizens should be involved in the decision-making. The international legal instruments and Albanian Constitution provides the right of free speech and the right to express their opinion on any decision that affects the community. It's important that a specific decision is made after the public consultation with interested stakeholders where the latter have expressed their opinion and concerns. In this way, firstly, the decision-making process becomes transparent. Secondly, public consultation serves as a pool to collect the best ideas and possible solutions. Everyone's idea/opinion is being heard Thirdly, public consultation increases the legitimacy and enforcement level of the decision. Only 17% of respondents think that citizens should not be involved in the decision-making process due to the lack of a decision to be achieved as a result of different ideas or opinions. In this case, representing democracy is more efficient rather than direct democracy.



*Figure 7: Do you think that decision making process should involve members of the general public?*

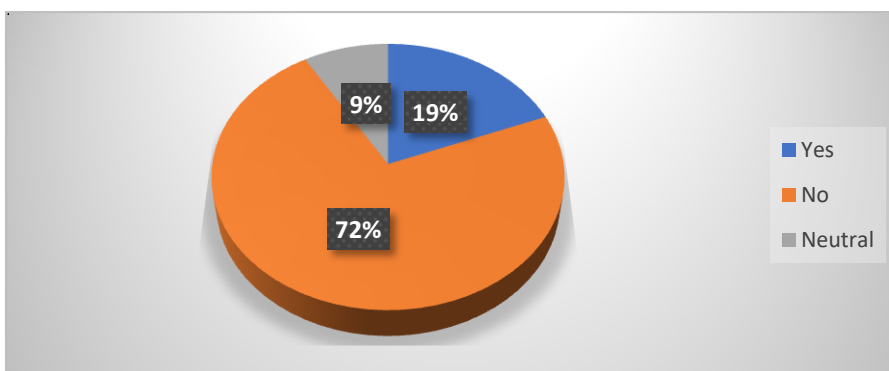
Interestingly, figure 8 shows that 81 % of respondents say that their voice is not heard in the decision-making process in Albania. This high level shows that democracy in Albania is still in limbo. The public distrust can be explained with the following reasons: low level of democratic culture, lack of active citizenship, lack of transparency and high level of corruption. While the law XXX requires the consultation, in practice, public consultation is perceived as “formality to be done, not as a genuine process that can nurture policy and the legislative process” or “as a burden on public institution” or even “as a threat” (Bino et al., 2021, p. 39).

Only 19% of respondents believed that somehow the opinions of the community are heard in the decision-making process.



*Figure 8: Do you think that the opinions of the community are presently being heard in the decision-making process?*

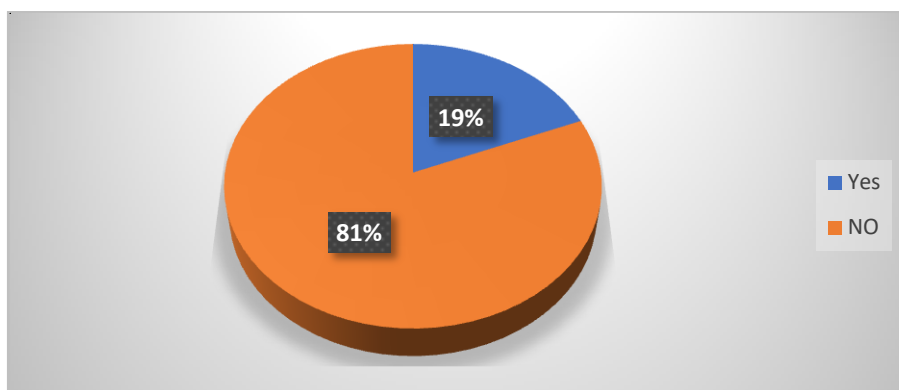
Asking whether the decision-makers generally value public input in decision-making process (figure 9), only 19% of respondents think that decision-makers value the public input in decision-making process. Public input is a key element to facilitate efficient enforcement of the decision. Most of the respondents, 72%, think that public hearings are only for procedure or “show” to legitimacy the final decision. Public hearings are widespread in the election period. Instead of a two-way discussion between community and decision-makers on certain issues, public hearings are a kind of a “monologue” of the decision-makers. Once the central or local election has been finished, the public consultation becomes non-existent.



*Figure 9: Do you feel that decision-makers generally value public input in the decision-making process?*

As the figure 10 shows, 81 % of respondents support the idea that the results of public input into decision-making processes are not reported back to the public. Thus, a lack of transparency exists

concerning the decision-making process. Only 19 % of respondents think that results are reported back to the public, but people are not convinced of their truthfulness.



*Figure 10: Were the results of public input into the public decision-making process ever reported back to the public?*

## 5. Conclusion

For more than 45 years, Albania experienced the harshest form of communism. Public participation was an extension of the central government to legitimacy its decisions. As Albania shifted toward democracy and open market economy, its domestic legal system adjusted with international and European best standards. The constitution, adopted in 1998, introduces provisions providing the general legal framework for public participation at central and local government. The Law 139/2015 guarantees the participation of citizens in the decision-making process. Citizens have the right to be informed and to participate in the decision-making process at the local as the consultation is obligatory. (Art 20).

However, when it comes to the implementation of rules on public participation of decision-making process, the situation is quite different. Policy making process is conducted through closed doors and without participation of citizens. Sometimes, when a public consultation is held, the participants are handpicked to support mayors' or government decisions. From the respondents, it is clearly that citizens are not involved in local government authority meeting or activity. As empirical data shown, 81% of citizens are totally sure that their opinions are not heard in the decision-making process because the public interests does not fit with the leader's interests. Furthermore, the lack of political will to carry out consultation process is evident.

The low level of democratic culture, the undermining of the community, lack of transparency, high level of corruption has directly influenced the trust of community in the decision-making process.

According to the results, public hearings are only for procedure or show in most of the cases and every meeting is a monologue not a dialogue or discussion between community and decision-makers. The perfect example of this argument is the demolish of the Tirana theatre. In March 2018, Albanian government took a decision to demolition the national theatre, one of the most important historical and last remaining building of Italian fascist architecture in Tirana. While the Mayor of Tirana declared that twelve public consultations were conducted by city council officials with institutions, individual stakeholders, artists, producers, architects, national heritage experts and academics (Mborja, 2020). But, in reality, no public consultation was held as the law requires. This is the main reason why most of Albanian citizens are not participating in public opinions and consultations.

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