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Territorial Governance through Spatial Planning in Albania and Kosovo

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Summary

Albania and Kosovo have taken various initiatives over the last decade with the aim of reforming territorial governance and their spatial planning systems. The territorial development trends of both countries have shown great similarities over the last 20 years. The aim of the paper is to compare the evolution of territorial governance and spatial planning in both countries. The Albania-Kosovo case study is important to analyse due to current cooperation between the two governments. Using territorial governance as a main conceptual framework, the analysis of the two planning systems will focus on three dimensions: coordinating the actions of actors and institutions, integrating policy sectors, and mobilizing stakeholder participation. The analysis shows that although both countries have made important steps forward in terms of changing their legal frameworks in order to respond to local challenges as well as current trends in territorial governance, there are still evident gaps in the institutionalization of the new system.

Keywords: Spatial Planning, Territorial Governance, Comparative Planning Studies, Western Balkans, Planning Evolution

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Introduction

Albania and Kosovo have gone through important reforms over the last two decades in an effort to catch the European integration train (Cotella & Berisha, 2016). Both countries come from centrally planned dictatorial regimes (Hoxha, et al., 2017; Aliaj, 2008), hence one of their biggest challenges has been (and still is) the shift towards a functioning democratic rule (European Commission, 2018a; European Commission, 2018b). The spatial planning systems in Albania (Toto, 2012; Aliaj, et al., 2014) and Kosovo (Hoxha, et al., 2017; Allkja, 2017) have shifted from an 'urbanism approach' towards a 'comprehensive and integrated spatial planning approach'.

The main aim of the paper is to critically analyse the evolution of territorial governance achieved through spatial planning in Albania and Kosovo in order to: offer a comparative perspective in their evolution, add to the research conducted in the territorial governance and spatial planning spectrum, as well as offer insights regarding policy making. The evolution of the respective spatial planning systems will be analysed through three main dimensions of territorial governance: coordinating the actions of actors and institutions, integrating policy sectors, and mobilizing stakeholder participation, which are highly important from a planning perspective. The methodology for this research is based on content analysis of policy documents, legislation, and secondary sources on spatial planning processes in Albania and Kosovo.

From 1945 to 1991, Albania and Kosovo were under centralized political and economic systems (Aliaj, 2008; Hoxha, 2006), which were reflected in their respective territorial planning systems. The absence of private property during this period turned the planning process into a technocratic urban design exercise rather than a process of codevelopment of the territory (Aliaj, et al., 2009). Territorial development was a highly centralized function, conducted at the national level through five-year programing (Aliaj, et al., 2014). Rules and policies were imposed from the centre to the line ministries as well as from the centre towards the local level under the strict control of the socialist party (Aliaj, et al., 2009). Central Institutes of Urbanism in Albania and Kosovo were the main actors in the preparation of planning instruments and regulation. While instruments at the local level were quite similar in the two countries, a distinct feature of the Kosovo system during these years was the presence of the National Spatial Plan of Kosovo. Albania lacked a national planning instrument which would give territorial expression to the national policies, using instead the fiveyear development programs as the main instrument.

Both countries show attempts to somehow break the path dependency on the traditional urbanism approach (especially over the last ten years) with deep legal and institutional changes. Considering the changes in legislation and the attempts made during the last decade to prepare various planning instruments, particularly since 2013, this paper will focus its analysis within this timeframe in order to better understand the institutionalization of the respective systems and their efforts in achieving territorial governance.

Janin Rivolin (2012) indicates that territorial governance is strongly linked with spatial planning and spatial planning systems (though not always). ESPON¹ supports the idea that "Spatial planning and territorial governance are collections of formal and informal institutions some of which are shared" (ESPON, 2016, p. 6). There are different reasons why planning can be seen as a way of achieving territorial governance including its multi-dimensional, crosssectorial, and multi-level application. Planning as a discipline is always evolving, and so are planning systems (Getimis, 2012). As previously mentioned, the analysis of the planning systems of Albania and Kosovo will be structured along three main dimensions of territorial governance. The first dimension on the coordination of actors and actions of institutions focuses on issues such as the distribution of power across

levels, modes of leadership, the presence and roles of structures of coordination, and the way the system deals with constraints to coordination. The second dimension focuses on the issue of sectorial policy integration. More concretely it focuses on the structural context for sectoral integration, the ability to achieve synergies across sectors, the acknowledgement of sectoral conflicts, and how to deal with sectoral conflicts. The third dimension is focused primarily on participation issues and looks into stakeholder identification, securing democratic legitimacy and accountability, the integration of different interests or viewpoints, and insights into territorial governance processes.

Framework of Spatial Planning in Albania and Kosovo

In Kosovo, following the declaration of independence in 2008, a new (revised) spatial planning law was prepared. At the national level, the main institution and key player in planning is the Institute of Spatial Planning, hosted within the National Environment Agency under the Ministry of **Environment and Spatial Planning. National** Plans are drafted by the Institute of Spatial Planning and are approved by the parliament (GoK, 2013). At the local level, the main planning institutions are the Communes. In terms of planning instruments in Kosovo, the main instrument at the National Level is the National Spatial Plan. This document is composed of the National Strategy and the Zoning Map of Kosovo, the latter introduced in 2010 as a result of legal reform. In fact, it was the introduction of the Zoning Map that created a stalemate in the planning activity in Kosovo for almost three years. The Zoning Map of Kosovo created confusion among planners, who could not agree regarding the meaning and role of the instrument. At the local level, the main instrument is the Local Plan composed of the Local Plan, the Zoning Map, and accompanying regulations (Ministry of Environment and Spatial Planning & USAID, 2017).

Meanwhile, in Albania, following the strategic legal changes of 2009, which

established a new approach to the planning system, some planning initiatives were taken at the local level in the period 2009-2013. However, a significantly intensified planning activity took place after 2013 due to increased government priority in planning. The legislation was reviewed resulting in the preparation of Law 107/2014 'On territorial Planning and Development', as amended (GoA, 2014). The review did not bring about a new framework but clarified and simplified some of the handicaps of the previous law. According to this legislation, the most important plan in terms of spatial planning instruments at the national level is the General National Territorial Plan (GNTP). The latter is supported with sectorial plans as well as Detailed Plans of Areas of National Importance. At the local level the most important document is the General Local Territorial Plan (GLTP). It can also be complemented with sectorial plans and the Local Detailed Plans (LDP). The GNTP and the GLTPs are composed of three main documents: the Territorial Development Strategy, the Territorial Plan, and the Regulation of Development.

In terms of institutional actors, the Ministry of Infrastructure and Energy is responsible for planning, while the National Territorial Planning Agency, established in 2009, serves as the main institution at the central level. The National Territorial Council (NTC), a collegial entity composed of ministers of ministries which have an impact on the territory and led by the Prime minister, is the institution responsible for approving plans of national and local importance. It is worth mentioning that at the local level only the GLTPs are approved by the NTC while the LDPs are approved by the Mayor. Lastly, municipalities are responsible for planning at the local level. Due to the territorial administrative reform implemented in 2015, municipalities in Albania have been reduced from 373 units (municipalities and communes) into 61 municipalities covering larger and more complex territories. The territorial reform, besides increasing the population of each territory, was also associated with an increase in powers and responsibilities at the local level. This created a large demand for planning at the local level in order to better manage their territories. As a result, 37 of the 61 municipalities have their GLTPs approved, 8 are in the approval process, 16 are in the drafting process, and one municipality is waiting to initiate the process for the preparation of the GLTP (NTPA, 2019).

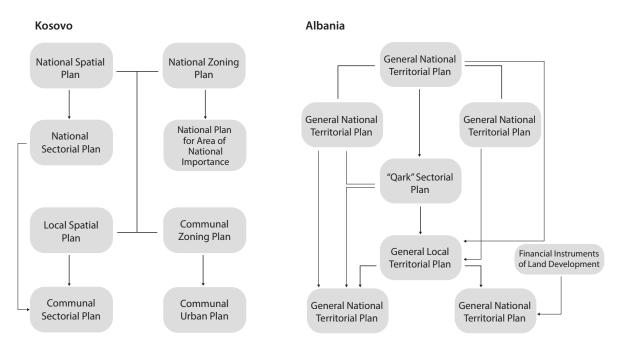


Figure 1. Planning Framework in Albania and Kosovo

Source: Authors' own elaboration

Analysis of Territorial Governance Dimensions

Coordination of Actors and Actions of Institutions

Following the end of the dictatorial regimes in both countries there has been a tendency to allocate government powers at the local level. In Albania, this process has happened incrementally and spanned across a larger timeframe (i.e. 1991 to today) while in Kosovo the change occurred abruptly after the end of the war with Serbia in 1999. In 2004, with the approval of the Law of Spatial Planning, Kosovo established a hierarchical system of planning with similar instruments at the national and local level. In Albania, the different waves of decentralization reform were also reflected in planning, particularly following the legal changes of 2009, which aimed to create a more hierarchical system with planning instruments at the national and local level.

Planning in both countries is a shared competence between the national and the local government level, with the latter having specific degrees of autonomy to make their own decision. The shared aspects of planning come into play when dealing with instruments such as Areas of National importance and building permits of the same importance, as well as for the approval of territorial plans. A similar feature in both countries is the absence of planning activities at the regional administrative level. In Kosovo this government tier is missing; In Albania, it exists² and de jure is supposed to plan for its territory. In reality, it does not undertake planning, as it cannot implement its plans. This can also be considered as an institutional gap in terms of mediating and coordinating between the national and local levels, particularly when functional mismatches are observed between administrative jurisdictions and territorial development aspects.

Although there is a distribution of powers between the central and local level, at least from the formal point of view, the lack of leadership in smaller municipalities (Albania) and communes (Kosovo) means that planning is highly influenced by central level institutions. The absence of capacity at the local level is not only professional but also financial (Toska & Bejko (Gjika), 2018; Co-PLAN, 2018). This is important challenge, which hinders the leadership of local authorities. Nevertheless, the question of leadership is not only an issue at the local level.

In Albania, during the period 2013-2017, a specific ministry was created around Urban Development. The ministry took leadership on planning policy making and strengthened the role of the NTPA, an institution which was one of the main coordinating structures with regard to planning. The role of the NTPA was quite important during the preparation of the national territorial plans and as a main coordination body during the preparation of GLTPs by local authorities. However, since 2017, when the Government of Albania abolished the Ministry of Urban Development, planning passed under the competence of the Ministry of Infrastructure and Energy. Within such a large institutional machine, territorial planning was reduced to one department, and the ability of the NTPA to serve as a leader in coordinating institutions has been weakened. It seems as if the political priority on planning in Albania was considered complete with the preparation of the general territorial plans.

A similar process of deprioritizing planning can also be witnessed in Kosovo. The Institute of Spatial Planning was established within the Ministry of Spatial Planning and Environment as one of the main coordinating bodies at the central level. The Institute was heavily involved in planning activities at the national level (i.e. the preparation of the Kosovo National Spatial Plan and the subsequent plans for areas of national importance). It also served as an institutional reference point for all communes in their efforts to prepare their local plans. However, once the Institute was integrated within the National Environmental Agency, it started to lose its power and role as a coordinating actor. The ability of national institutions to coordinate territorial development issues is examined in the next session, which deals with the integration of different sectors into the planning process.

Integrating Policy Sectors

In 2009, the introduction of new legislation in territorial planning articulated the need for policy integration. This was also reflected in the new planning instruments that were introduced, including a General National Territorial Plan that would coordinate the different sectorial processes in an integrated manner and serve as a basis for local governments in drafting their local plans. Only in 2013 did the Albanian government start the process of drafting the GNTP of Albania, as well as the Integrated Cross Sectorial Plan for the Coast and the Integrated Cross Sectorial Plan for the Economic Zone Tiranë-Durrës. The three plans were approved in 2016 by the National Territorial Council and with the respective Decisions of the Council of Ministers. In parallel to the initiatives at the national level, local planning had also become a priority, as previously discussed. The NTPA and the municipalities made some important efforts in terms of coordinating and integrating policies not only from a sectorial perspective but also administratively. For example, Coordination Forums were organized by the NTPA to coordinate the plans of bordering municipalities.

The planning documents demonstrate a general effort to integrate the different sectors'needs and priorities into the planning process. From a planning instrument point of view, the three territorial plans make reference to all sectorial strategies at the national or regional level (NTPA & Ministry of Urban Development, 2016). In addition, when looking at the process, it can be assumed that most sectorial ministries that impact territorial development have been part of the planning process, or have at least

been consulted (NTPA & Ministry of Urban Development, 2016).

However, the integration of different policy sectors, both at the national and local level, remains a big challenge in Albania (especially the implementation phase). during Although most planning instruments have comprehensive and integrated strategies, they are usually reduced to mechanisms that facilitate issuing building permits. Municipalities find it difficult to use their GLTPs and their respective strategies to their fullest extent. This is usually a consequence of various issues such as: limited financial capacity at the local level to develop and implement strategic projects, limited human capacity, the clash of different interests, the political powers of certain actors, and a general absence of a culture of sectorial integration. Often, territorial planning departments consider the plans as their "property," allowing for little integration with other sectors. Hence, both at the national and local level there is a significant degree of integration between the different sectors in terms of preparing planning documents, but a poor integration in terms of implementation. The achievement of sectorial integration and coordination is also a question of planning culture, which takes time to change considering the path dependency from the previous centralized approach that focused primarily on urban regulatory planning.

On the other hand, Kosovo, through international support, has tried to integrate different policy sectors into the planning process. Although a new state, Kosovo has had a National Spatial Plan since 2004, reviewed subsequently in 2010 (Ministry of Environment and Spatial Planning, 2010). Nevertheless, continuous changes in the administration as well as in planning legislation have marginalized the power of planning in the territorial governance of Kosovo. The latter has started to lose its position when compared to other sectors (Ec ma Ndryshe & ProPlanning, 2016). This handicap is due to changes in the legislation of spatial planning in Kosovo, which have occurred in the period 20102013. The introduction of a new concept in the planning legislation such as the Zoning Map created confusion in the planning sector. For three years, planners could not agree on the meaning of this instrument and the way it should be developed both at the national and local level. Combined with continuous political stale-mates, the role of planning has been reduced in the policy making arena. The frequent changes in ministerial cabinets have not allowed for policy learning and capacity building. Based on the above analysis, though both countries had different starting points and experiences in terms of planning practice and sectorial integration, their respective systems offer limited capacity in terms of policy integration. There is general and formal policy integration in terms of planning documents but practice is yet to catch up. Nevertheless, this must be seen as a step forward by Albania and Kosovo in trying to modernize and improve their planning systems and culture. Shifting from an urban planning/design practice towards an integrated and comprehensive approach remains a challenge for some of the most sophisticated and mature systems, let alone for Albania and Kosovo, which are still in a dynamic process of institutional and democratic change.

Examples of poor policy integration and coordination are present in both countries at the national and local level. In Albania, for example, debates regarding the environmental impacts of small hydropower plants have escalated over the last few years. In Kosovo too, debates regarding the prioritization of energy production over environmental risks are increasing. National plans are in sync with the priorities of the Ministry of Environment, however, they are contradictory with the sectorial plans for economic or energy development. The development of small hydro-power plants, for example, is contradictory to the protection of environment and tourism development. The development of mass tourism facilities in protected areas also shows a lack of coordination (Allkja, 2018). Regional development is another policy sector that shows a lack of coordination and integration in Albania (Imami, et al., 2018). There is a discrepancy between the proposed regions of development in the GNTP and the DCM on the regional development. Similarly, the pressure of construction at the local level in agriculture, the environment, coastal areas, and public infrastructure and cultural amenities is quite high (NTPA & Ministry of Urban Development, 2016; Ec ma Ndryshe & ProPlanning, 2016). This is evident at the local level and especially in the respective capital cities of Tirana and Prishtina. Not surprisingly, both of these cities rank among the most polluted in Europe (Numbeo, 2019; Bajcinovci, 2017). The dichotomy between environmental protection and energy production is especially evident in the city of Pristina. The large thermal power plant in the periphery of Pristina is one of the largest pollution sources. When this is combined with high levels of construction in the city and poor traffic management, the situation becomes highly aggravated (Bajcinovci, 2017).

Therefore, there is a general lack of synergy across the different sectors, especially during the implementation phase. Although sectorial conflicts are acknowledged in territorial plans and there are (normative) policies in place to reduce these conflicts, the complete opposite situation is observed in practice. The short term benefits of investment in construction, energy, and infrastructural sectors very often outweigh impacts on socio-environmental the aspects (Allkja, 2018; Bajcinovci, 2017). The approach in dealing with the deficiencies of coordination and sectorial integration are similar in both countries. Sectorial conflicts are primarily resolved in a postfactum manner. For instance, only once there are protests and civil society raises its voice, the respective governments try to respond under high public pressure (Luta, 2019) (Shehu, 2019; Allkja, 2018). This is not a typical approach advocated by each country's respective planning system, where these types of issues are expected to be solved through planning and prevention, rather than reactive measures following adverse decisions.

Mobilizing Stakeholder Participation

The basis for public participation in territorial planning in Albania is set out in Article 24 of the Territorial Planning and Development Law (as amended). Public participation is also regulated by Article 8 of DCM 671 on the Territorial Planning Regulation (2015, as amended). This article also introduces a Forum for Local Counselling. This is a special body, created on a voluntary basis and aimed at engaging local communities and other stakeholder groups in the planning process. The local planning experience of Albanian municipalities over the last five years incorporates various methods used by municipalities to guarantee citizen participation (Hoxha, et al., 2017). Methods range from public hearings (the minimal legal requirement) to more elaborated internet-based approaches. Nevertheless, participation is still limited and, in many cases, it is mostly used as an information mechanism rather than as a basis for efficient collaboration in the preparation of plans.

Similarly, the situation in Kosovo has evolved since the 2000s. Law 04/L-174 'On Spatial Planning' (Ministry of Environment and Spatial Planning, 2013) sets the basis for public participation through Article 20, Chapter 4 on Participation on Public Information. Compared to the Albanian framework, legal provisions in Kosovo are less elaborated. There are no legal conditions regulating the number of participation events and the time for conducting public participation. Local authorities need to make their plans open to the public, encourage participation, and incorporate written recommendations and the complaints of citizens and other interested parties in the planning documents. These practices regarding public participation are fairly limited (Ec ma Ndryshe & ProPlanning, 2016). Public participation is merely a question of informing the public rather than working together to produce a plan.

In Albania, the legal framework has been improved and different mechanisms have been put in place to foster participation and increase transparency. Citizen Advisory Panels were introduced, which allow community representatives to become part of the process in a structured manner. and coherent Additionally, transparency is increased by the fact that all plans are expected to be published in the Territorial Planning Register. However, public participation practices2 in Albania between 2014 and 2018 show that the latter is a formal procedure (with few exceptions) with limited impacts on the planning process and products (Hoxha, et al., 2017). Nevertheless, there are some good practices in the Albanian context that have not been able to be fully implemented in all planning processes. This lack of implementation also comes as a consequence of path dependency from the previous regime, where public participation was not conceived of as an integral element of governance. Thus, citizens' ability to take part in planning and decision-making processes is not yet fully recognized. This means that stakeholders are not fully identified and made part of the consultation process. Authorities and planners have also limited experience and capacity in developing meaningful and productive participation and collaboration processes.

The lack of participation and transparency is a great hindrance in both systems with regard to securing democratic legitimacy and accountability. Additionally, most of the viewpoints and interests that come from the citizens or other stakeholders come during the formal public hearings. In most cases, the interests expressed are related to individual, private interests, regarding the implications of the plan for one's property, or come as immediate reactions to the presentation of the plan. Thus, when looking at the evidence from planning hearings, most of the comments and viewpoints received are not considered to be appropriate. Planners in these cases are not able to generalize these comments and reflect them in the plans. Participation practices lack the mechanisms to document the chain of concerns raised by the public to the point of addressing them either specifically or in general terms, something that would increase the citizens' trust in the participatory processes. On the other hand, in Kosovo, it is almost impossible to find evidence of the way that different viewpoints have been integrated into planning documents. In conclusion, though there has been an increase in planning activities in Albania and Kosovo in recent years (and, consequently, participatory planning activities), their results are limited to formal processes.

Conclusions and Recommendations

The aim of this paper was to compare the evolution of territorial governance of spatial planning in Albania and Kosovo. Both countries are trying to move away from urban regulatory approaches towards spatial and integrated planning. Considering their initial starting point, Albania and Kosovo have made steps forward in the conceptualization of planning, especially from a legal and instrumental perspective. Both planning systems, at least from the formal point of view (rules and laws) try to reflect north-west European planning models and Europeanization tendencies. Nevertheless, while changing a law can take a day, changing a planning culture can take years. Practices of territorial governance through spatial planning are still lagging behind in issues such as policy coordination, sectorial integration, and public participation. In this framework, it is important for both countries to focus their efforts on institutional strengthening. Measures should be taken to foster the development of capacities for those involved in planning both at the national and local government level. The National Territorial Planning Agency in Albania and the Institute of Spatial Planning in Kosovo are the two main coordinating actors in the respective countries. While in Albania the NTPA has taken ownership of the planning processes and tries to lead and coordinate, in Kosovo, the Institute is losing its leadership role. The integration of different policy sectors remains somewhat weak in both countries. Although instruments of planning are integrated and comprehensive from a sectorial perspective, in reality, the implementation of sectorially integrated decisions is limited. Sectorial integration is a challenge for most countries with consolidated planning systems (Böhme, et al., 2019), let alone for two developing countries with embryonic planning systems. In this context, the "formal" integration that occurs in planning documents can be considered as a first (though not sufficient) step for sectorial integration, which requires follow-up during implementation. Therefore, the role of the NTPA and ISP should be increased at the national level. They should be involved in issues of decision making regarding major projects falling under line ministries. Similarly, at the local level, planning directories need to go out of their "urban development" nest and try to offer integrated approaches, especially in a context of mixed-use urban-rural territory. Of course, construction is an important sector, which brings financial gains to municipality. However, decisions the on building permits should be taken in compliance with other sectorial issues, such as the environment, socio-cultural aspects, and the need for public spaces.

Public participation is one the weak spots of territorial governance through spatial planning in Kosovo and Albania. In both countries, participation activities in their current state are just another formal, bureaucratic procedure in the planning process. Responsibility for this state of affairs is not to be credited only to spatial planners, but is also due to the low participative culture of citizens. Therefore, it becomes highly important that, in both countries, practices of public participation are enhanced by national and local authorities. These practices should go beyond the formal procedure of public hearings and try to integrate the public at all levels of decision making. Public participation approaches are not 'one-size-fits-all', meaning that it is the role of planners at the national and local level to increase their efforts and test different methods of citizen engagement and collaborative planning. Thus, it is highly important for planners to educate citizens about an institutional culture of public participation and recognize the power of participation as an inherent part of the planning process.

Notes

- 1. European Territorial Observatory Network
- 2. The planning legislation allocates planning responsibilities to qark. Qark is the second tier of local government that should coordinate and bridge strategies for development between the national government and municipalities according to the Constitution. However, the Qark administration does not have the legal power to control or manage territorial development; it cannot levy taxes and fees; and therefore cannot impose its planning decisions for implementation by municipalities or any other government body.
- 3. For more detail, see Dhrami and Imami, 2019 in this publication.

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