

GOOD GOVERNANCE

FOR OPENNESS AND
ACCOUNTABILITY IN POLITICS
AND GOVERNANCE

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Analysis of the Openness of the Local self-government in Albania and in the region

Proposals for the improvement of the current state

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INTRODUCTION

In cooperation with partners from a regional network “**ActionSEE**”, MJAFT! Movement has prepared an analysis of the level of transparency, openness and accountability of local self-governments in Albania. A general conclusion is that the openness of local self-government is at a very low level in Albania, and the same applies also for the region. In the period from December 2018 to February 2019, members of the network “ActionSEE” worked on detailed research, based on scientific methodology, including a sample of

144 municipalities from 6 countries and over 70 indicators per municipality. The aim of this document is to determine a real state in the area of openness and accountability, to show readiness of municipalities to act as a service of citizens. The openness of local self-government for us includes transparency and efficiency of institutions, as well as developed communication with citizens.

In comparison with the results of openness of parliaments and bodies of executive power, these results for municipalities are the worst and, at the same time, worrying. It is expected that openness increases as we move towards lower state bodies, since they are in direct contact with citizens. However, the research has shown the opposite. Regional powers should make a greater effort in order to engage citizens in decision-making, which directly reflects on their life quality. Considering that there are many problematic areas, municipalities in Albania and from the region must be committed to the improvement of the existing state as soon as possible.

The openness of powers represents one of the fundamental postulates of good and fair governance, as well as a significant characteristic of each democratic society. It is a general i.e. public value of developed societies and a significant instrument for controlling work of powers by institutions and citizens. Also, it represents a significant instrument for prevention of corruption. Unfortunately, this topic is not discussed enough in the region, and specific steps towards achieving standards of openness are rarely undertaken. This document is addressed to decision-makers in local self-governments in the region and state bodies dealing with problems of local self-government. It may also be useful for representatives of international institutions and colleagues from the NGO sector dealing with these issues. We are at your disposal for all suggestions, benevolent critiques and discussions regarding our proposal.

Openness of the Local self-government in the region

In comparison to the second year of measuring (2017) where the regional level of openness of the local self-government was 31.39% which at that time was a decrease of 2.61% in comparison to the first year of measuring (2016), the analysis of the results from the third year of measuring (2018) shows a minimal, yet still disappointing increase of the openness of the institutions with 36.28%. Having an increase of 4.89% of the regional level of openness, the local self-government institutions in the Western Balkans, however underachieving, have managed to exceed the results from the first year of measuring by 2.28%, but generally remain at a non-satisfactory level.

Bearing in mind that this year, as opposed to the previous year, there has been no alteration of indicators that would make the research more demanding and the newly set standards more challenging to reach, it is evident that there is a difference between the weight attached to the importance of the openness of the institutions at the local level in comparison to those who function at a national level. Since the local self-government units (LSGUs) are the key institutions for citizens' service, it is of utmost importance that a bottom-up approach is used and that the reforms should start from the local level. Furthermore, as minimal changes or the 'status quo' of the level of openness may be perceived as insignificant and discourage the participation of the citizens in influencing the local policies, the results suggest that the situation remains alarming and that appropriate proactive measures must be taken at a local level.

On a more positive note, analyzing the local self-government in the Western Balkan countries individually, there is an increase in the level of openness in all of the countries except one. In comparison to the results from the previous year, significant progress can be noticed in the results of the level of openness of the local self-government in Kosovo (40.57%) with an increase of 17.08%, followed by Albania (35.83%) with an improvement of 8.28% and Bosnia and Herzegovina (33.57%) with an improvement of 6.41%. Nevertheless, the level of openness of the local self-government in Serbia is the only one that marks a setback of 7.11%, falling from 38.72% in 2017 to 31.61% in 2018, which further shows the

lack of commitment of these institutions in the promotion of openness in the previous period. With the intention of contributing towards the establishment of a systematic approach towards increasing the openness and accountability of the institutions, and thus gradually improving the communication between the institutions and the general public at a local level, in continuation of this text, you can find the key shortcomings that the countries of the region have to eliminate in order to ensure openness in the work of the public administration at a local level.

Accessibility and interaction with citizens

Looking at the regional level of openness of the local self-government in the Western Balkans through the prism of the 4 dimensions of the Openness Index (accessibility, awareness, integrity and transparency), it is the 'accessibility' level that stands out as the area where the majority of LSGUs have challenges in reaching better results with a fulfillment of 26.84% of the indicators. More specifically, the results show that it is the public consultations where the LSGUs score the lowest points as there is still the lack of plans, calls, and reports from the public consultations and debates containing written explanations and provided answers published on their websites, as well as the lack of capacity building for civil servants on the concept of open data and instructions for using and publishing it.

Another deficiency that can be noted in this regard is the lack of open calls for project proposals for CSOs during the last year, accompanied by decisions on the allocated funds and the results published on the official websites, including the scores awarded to all the applicants and an individual score list. Furthermore, the second aspect of accessibility which the LSGUs neglect the most is the provision of access to information, as there is a shortage of information about contact persons responsible for access to information of public importance available on the website, information/ civic bureaus that would serve as documentation centers or public databases, published responses to requests for public information, updated FOI[1] guides published annually or a separate section for relevant FOI information on their websites. What comes off as repetitive is the absence of the conduction of trainings in the field of access to public information. On a more positive note, in comparison to last year's results, although still scarce, there is a slight improvement in the interaction with

citizens, meaning that the LSGUs have started having active accounts on the social media, fixed consultation hours with the President of LSGs and e-services at a local level. As this dimension is one of the pillars for involving the citizens within the decision-making processes at a local level and the same is at a substandard level, it is impossible for the citizens to receive the appropriate information, receive it timely and in a manner that is understandable to them, thus impeding them from voicing out their needs through engaging in debates of issues with local interests.

Awareness and the strategic planning within the LSGUs

Alarmingly, when it comes to the awareness level in the region (49.12%), in comparison to the previous year, there has been a decline of 5.15% which is an indicator that the LSGUs do not take seriously their commitment towards strategically managing the institutions. In regards to the monitoring and evaluation within the LSGUs and having in mind that in most of the countries within the Western Balkans there is a legal obligation for the LSGUs to develop annual work programmes and reports for the Municipal Assembly and the President of LSGs, the results assert that there is a lack of usage of indicators of performance when developing these documents which is typical for the whole region. This leads to the conclusion that determination of the LSGUs to work strategically is incoherent if the indicators of performance are not followed, which may further disprove the eligibility and importance of the LSGUs in the eyes of the general public if strategic approaches only figure on paper.

High attention is also needed within the creation of the Development Strategy containing the timeline, budget allocations and responsible implementing bodies. This means that the LSGUs would need to focus more on the creation of a written action plan for the implementation of the Development Strategy of the LSGUs, in order for them to assure a higher level of awareness. Following the creation of such an action plan, besides making the action plan and the annual budget accessible to the public, the LSGUs should make sure that the documents are provided in an open data format and that they are compiled in a manner that is understandable for the wider audience which facilitates the public monitoring and acting on the progress and setbacks of the LSGUs.

Commitment towards Integrity

With a minor progress of 7.7% in the area of integrity (28.21%), the LSGUs in the region have demonstrated a slightly bigger commitment towards this aspect of openness in comparison to the previous years. This progress can be attributed to the existence of direct online communication channels and guidelines available at the official websites of the majority of the monitored LSGUs through which citizens can raise concerns, complaints and make appeals. This progress is an indicator of the advancement of the interaction between the institutions and the general public at a local level, which brings us to the conclusion that there is potential for transforming the existing relations between the LSGUs and the citizens that may further lead towards gradually gaining back the trust of the citizens, but it is strictly up to the institutions to take a more proactive approach towards advancement in this area. Nonetheless, the highest decline in the area of integrity persists to be the lack of capacity building of the civil servants on topics connected to conflict of interest, preventing corruption and whistleblowing in case of irregularities.

Transparency

Regardless of the general improvement of openness of the LSGUs through the prism of transparency (38.77%) by 5.91% in comparison to last year, transparency remains on the list of areas in need of additional focus and improvement. Minor progress, which is not enough to say that the transparency is effective, can be noticed within the aspect of the municipal budgets. More specifically, the progress can be noted through the submission of a draft decision on the budget to the Municipal Assembly at least 3 months prior the beginning of the fiscal year to allow for sufficient time for a proper review by the Parliament, holding public consultations on the draft annual budget and announcing them on the official websites as well as publishing the reports from the public consultations, and presenting detailed information on the level and composition of municipality debt. However, where the majority of the LSGUs fail to reach the general standards is within publishing the citizens budget on their official websites which refers to the spendings.

and the transparent and understandable manner of distribution of funds. Nevertheless, in order for them to produce and publish these documents appropriately and timely, the LSGUs need to have the capacity to do so, which brings us to the next point.

Failing to reach the standards in publishing organizational information, the LSGUs demonstrate a low performance in this aspect which is not only attributed to the general lack of strategic approach towards openness evident in the context of open data formats information published on their official websites, but the setback that has been made in comparison to the previous year. The results show that there is a need for a bigger focus to be put on the adopting and publishing of relevant documents such as strategies, procedures and policies of the LSGUs, annual working programmes and work reports of the LSGUs and Municipal Assembly, as well as relevant information such as the salaries of the public officials, the shares of public enterprises held by the LSGUs, the sale and/or rental of property, and video/audio records from Municipal Assembly sessions from at least 1 year. The lack of timely and proactive publishing of this data, although debatable, could possibly be attributed to the need for a capacity building of the civil servants and/or technical support as it is perhaps the lack of skills and knowledge that cause a major barrier in meeting higher standards. The capacity of the civil servants to produce relevant and comprehensive documents and to be able to publish them in an open data format further influences the level of commitment to making the information accessible to the public.

In conclusion, while most of the countries within the Western Balkans face similar challenges on a local level, it is the obligation of the LSGUs to create individual tailor-made strategies having in mind the local reality and the existent good practices, but also the moment of securing uniformity of openness of the LSGUs within the country.

Openness of LSGUs in Albania

LSGUs in the Republic of Albania, in the third measurements conducted within the framework of ActionSEE program, have fulfilled 34.63% of the openness indicators. Institutional performance of this power is improved during the last three years, even though it is too close to the regional average, remaining in unsatisfactory levels. During 2018, the accessibility in LSGUs scored 33.58% of indicators, integrity 45.1%, transparency 27.03% and awareness 71.76%. It is noted that the lowest performance of LSGUs is reached in fulfilling indicators of municipality budget (40.99%), organizational information (25.118%) and publishing public procurement procedures (6.59%), as well as enforcement of public consultations procedures (6.58%). Meanwhile, monitoring and evaluation procedures are the most fulfilled indicators (76.67%), reporting in municipal councils (88.24%), as well as strategic planning (52.41%).

This year's study included 17 municipalities, ranked by the level of openness performance as following: Skrapar Municipality, Belsh Municipality, Elbasan Municipality, Maliq Municipality, Vora Municipality, Korça Municipality, Lezha Municipality, Kukës Municipality, Tirana Municipality, Durrës Municipality, Rogozhina Municipality, Lushnja Municipality, Puka Municipality, Gjirokastra Municipality, Devoll Municipality, Pustec Municipality and Dibra Municipality. Skrapar Municipality, which is the municipality with the highest institutional openness, fulfills 58.78% of the indicators, while Dibra Municipality with the lowest performance scores 16.34% of openness. Of these municipalities, about 29% did not respond to the questionnaire sent to their administration. Whereas for those municipalities that have responded, it has been noticed that some of the coordinators for FOI are not aware of the information published on the official websites of the institutions. It is worth noting that all municipalities, which are part of the study, have official websites.

Some of the indicators that are not met by any of the municipalities that were part of this study, relate to the publication of calls for public procurement procedures, publication of decisions regarding allocation of funds and projects submitted by applicants, publication of minutes of municipal council sessions, as well as live video or audio broadcast of council sessions.

Regarding public procurement procedures, the LSGUs of the Republic of Albania have not published data on calls, decisions, contracts and procurement annexes. Regarding the questions "Are annexes of public procurement procedures published?" and "Are public procurement procedures decisions published?", there is only one municipality in Albania that meets these indicators. In addition, public procurement contracts have been published in only 8.82% of the sample.

The least completed indicators by all municipalities in this study are the public consultation plans that institutions will carry out, as well as detailed information on the level and composition of municipal debt. In both cases, there is only one municipality that meets these indicators.

Other indicators that scored very low on openness standards are: a FAQ mechanism on institutions websites, the publication of calls for proposals from civil society organizations, as well as the lack of information (names, contacts and positions) for civil servants. These indicators do not exceed 18% of fulfilled indicators.

70.56% of the municipalities of the Republic of Albania stated in the questionnaire sent to their administration that they had held public consultations on the draft budget for the last year. Meanwhile, 47.06% of municipalities did not submit the budget to the Parliament within the legal period, 3 months before the fiscal year. Less than half of the municipalities surveyed have published budgets for the last three years on their official website; some of them publish one or two budgets, while 51.47% have no published budgets. As for the actual budget, it is published at only 27.17%. As for the trainings attended by the municipal representatives, 64.7% of them stated that they have attended the trainings on FOI.

Meanwhile, only 23.53% stated that they were part of the trainings on open data format. Municipalities of the Republic of Albania scored 13.12% of indicators fulfilled for publishing their official information in open data format, showing the lowest performance in the region.

Research methodology

Openness is a key requirement of democracy because it enables citizens to obtain the information and knowledge needed for equal participation in political life, efficient decision-making and holding institutions accountable for policies they implement.

Institutions around the world are undertaking concrete actions in order to increase their transparency and accountability towards citizens. With a view to determining the extent to which the citizens of the Western Balkans receive timely and understandable information from their institutions, the Regional Openness Index has been developed.

The Regional Openness Index measures the degree to which the institutions of the Western Balkan countries are open to citizens and society, based on four principles: (1) transparency (2) accessibility (3) integrity and (4) awareness.

The principle of transparency implies that organizational information, budget, and public procurement procedures be publicly available and published. Accessibility refers to the provision of an abiding by procedures for free access to information and to the enhancement of the information accessed through the mechanism of public hearings and the strengthening of interaction with citizens. Integrity includes mechanisms for the prevention of corruption, the implementation of the Codes of Ethics and the regulation of lobbying. The last principle, awareness, concerns the monitoring and evaluation of policies implemented by institutions. Following international standards, recommendations and examples of good practice, these principles are further elaborated through specific quantitative

and qualitative indicators that are assessed on the basis of availability of information on official internet sites of institutions, the quality of the legal framework for individual issues, other sources of public information and questionnaires forwarded to institutions.

Through more than 78 indicators per institution, we measured and analysed the openness of all LSGUs in the region and collected over 8000 data. The data collection was followed with data verification process which resulted in the standard error of $\pm 3\%$.

The measurement was conducted in the period from December 2018 to the end of March 2019. A set of recommendations and guidelines directed towards institutions was developed on the basis of research results.



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