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OPENNESS OF LOCAL SELF-GOVERNMENT UNITS IN THE REGION AND IN ALBANIA

RECOMMENDATIONS FOR THE IMPROVEMENT OF THE STATUS

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INTRODUCTION

In cooperation with the partners from the “ACTION SEE” regional NGO network, MJAFT! Movement prepared the policy paper in which we analyze the level of transparency, openness, accountability of the executive power in the Western Balkans region.

The paper represents a result of a comprehensive research, based on a scientific methodology, conducted by the members of the ACTION SEE network during the previous several months. The aim of our activities is to determine the actual state of play in the region through an objective measurement of the openness of the executive power and to address recommendations for its improvement. Also, we seek to improve the respect of the good governance principles, where openness occupies a significant place. We believe these are the aims we share with the institutions covered by this research.

The public policy proposal, with annexed analysis, is the second document of this kind. Last year, after the research was conducted, the network members gave recommendations on improving the openness of government institutions. Based on the results found by the 2016 research, several analyses that provide an overview of the state of play in the Albania and the region have been made, including noted drawbacks and good practices in this area. On the grounds of these analyses, recommendations and roadmaps on improving the specific areas covered by the research were prepared as well.

Basing their work on the findings and results found by the last monitoring, the ACTION SEE network members began improving and adjusting the research and indicator methodology, hoping that the newly gathered information will contribute to higher quality research results. The purpose of using new and improved indicators is adding new dimensions to the research as well as more effective contribution for enhancing the openness of institutions in the region. With our previous knowledge, concrete results and analysis of the regional openness, and hope that the institutions of the executive power will be guided by the presented steps for improving the state of play in these areas and will work on enhance it, we decided to pledge ourselves to a higher level of openness of the government institutions in the region. Therefore, this year’s research has been enriched with indicators that strive for a higher standard of proactive transparency.
OPENNESS OF THE LOCAL SELF-GOVERNMENT IN THE REGION

Analyses of numerous indicators in the second year of measurements showed significant difference compared to the last year’s results.

Namely, the Albanian level of openness in 2016 reached only 12.12% while the 2017 measurement showed 27.55%, which demonstrates enormous work done by the local self government in Albania in the past period. All other countries in the region have nearly decreased the percentage from the last measurement. That can be justified by the introduction of some new indicators this year as we believe to have more demanding research approach and more advanced level of urging the local self-government to fulfill indicators.

The regional level of openness of the local self-governments this year reached 31.5% which is 2.5% decreases compared to the previous measurement. Taking into account that the municipalities are the key institutions at citizens’ service, having progressive work done at local level is of it utmost importance. The policy of openness must be a policy of all municipalities and it needs to find its place among other significant state policies. It is high time to start resolving this issue.

The decrease of the level of openness affects the level of citizen’s engagement in local policies creation and the possibilities to influence and reshape the decisions made by the local self-governments. Saying that the new indicators have made a more transparent research is one thing; however no improvements have been noted regarding the most important role they play in the society.

The regional accessibility and access to information level shows that still there are no reports from the public debates published on their websites, neither the reports from public consultations contain written explanations and provided answers, nor the information for which free access is approved (responses to FOI request) is published. Such low level of accessibility of the local self-governments in the region does not enable the citizens to be well informed and duly participate in the debates on issues of local interest.
In terms of strategic management and awareness level in the region, which is unsatisfactory, only 48.12% in 2017, Albania and Bosnia and Herzegovina have shown the highest improvements, with Albania having scored 20.09% in 2016 and surprising 63.21% in 2017. Regional specificity is that the local self-governments lack indicators of performance when developing their annual work programs and the work program of the Municipal Assembly. The results present are not coherent with the determination of the LSGU to work strategically if not followed by the indicators of performance. Such strategic approaches written only on paper, within the overall and general strategic papers, can be perceived as fulfillment of the legal obligation to develop annual work programs and a written plan setting out its objectives (Development Strategy).

In order to assure higher level of awareness, an action plan for implementation of the Development Strategy, which contains specific timeline, budget allocations and responsible implementing bodies, must be drafted. The annual budget is typically the key instrument used by the local self-government to translate its policies into action plan. Therefore, budgets should not be available to the public just for the sake of it; they should also be accessible to the public in a way it can understand the objectives and manner of reaching the goals.

Instead of the expected progress in the area of integrity, institutions of LSGU in the region had even worse results compared to the previous year. Larger decrease of the level of integrity is considered due to not having foreseen several issues, one of which is conducting trainings/workshops or other educational activities for its officials on topics such as conflict of interest/prevention of corruption/whistleblowing in case of irregularities. Also, one of the main concerns remains the lack of a direct online communication channel available at the website through which citizens can raise concerns, complaints and file lawsuits. This is not only an indicator of the low communication opportunities, but also that there is no potential to transform the existing relations between the LSGU and the citizens, thusly improving the transparency and accountability.

Notwithstanding, transparency is the place for an additional debate, especially when it comes to implementing all activities that need some kind of technical support, such as video streaming the Municipal Assembly sessions on their website, or video/audio records from Municipal Assembly sessions available on the website for at least 1 year. But most importantly, the Civic Budget, which refers to the spending as
well as transparent and understandable way of distribution of funds, is not published on the website. The issuance of such reports is essential for the local self-governments.

They need to have the capacity to produce such reports on a regular basis, and the production of Civic Budgets also serves to institutionalize the LSGU’s commitment to presenting its policies in a manner that is accessible to the public. In terms of public spending it is essential to have prior debates and the proposed decision on the budget ought to be we have put “3 months prior the beginning of the fiscal year” as an indicator that the LSGU have to fulfill, but they haven’t. The deadline may vary from country to country but all agree that the call for participation in budgetary public consultations has to be published on the municipal website beforehand. An interesting specificity in this regard is that this is not everywhere perceived as part of the transparency principle, but rather as “whether a legislative provision exists”. Namely, if there is no legislative provision that prescribes publishing of quarterly/semi-annual report on work of a municipal assembly, then they do not perform any analyses of the work done.

Moreover, the information on names, positions and contacts of civil servants available on the website is a part of the improvement of the situation that can be noticed in some of the countries, but it’s not enough to say that transparency is effective.

Lack of strategic approach to openness is still evident in the context of open data formats information that has to be published on their websites. In large number of cases, there is still no expression of openness and transparency in relevant documents (strategies, procedures or policies) related to the issues. Lack of internal policies and aspiration to work on improvement of these areas is clearly reflected in the provision of information on the shares of public enterprises held by the municipality. The recommendation that the strategic documents and annual action plans addressing the development of openness must be adopted remains. It is necessary for the countries to plan development but also to secure uniformity of openness of LSGU.
THE OPENNESS OF LOCAL SELF-GOVERNMENT UNITS IN ALBANIA

Local self-government units in the Republic of Albania have scored 28% of set indicators. The performance of these institutions has been increasing, improving year after year. Although this result is very close to the average of the Western Balkans region, it remains unsatisfactory, as some of the indicators are not met even in half. Concretely, the openness components for the local units have managed to perform: efficiency with 63% of indicators set, 33% integrity, 26% accessibility, and 21% transparency. In 18 municipalities that have been the sample of this study, Municipality of Shkodra has scored the best performance, 50% of the indicators achieved, and the Municipality of Libohova with the lowest score of 9.8%.

28% of local self-government units did not respond to the questionnaire sent to their administrations and three of the municipalities did not have an official website. However, improvement of the situation is noticed related to the rate of responsiveness from the coordinators of FOI and the establishment of online platforms. But on the other hand, the amount of information published on these pages remains low, which justifies the result that these units have performed.

Local government is often defined as the lowest hierarchic level of public administration in a country, aiming to bring the government closer to the citizens and enabling the citizens to participate effectively in the decision-making that affects their daily lives (through the voting process). Local governments are in a better position than the central government to resolve issues which require knowledge and adjustments based on local priorities and needs. But the results show that local self-government units in Albania have not been effective in providing opportunities for citizen interaction and citizen participation through public consultations in the decision-making process. Only 6% is achieved by completing indicators that measure the feasibility of public consultations by municipalities in Albania, where calls for these procedures are not published online and often the holding of this process is an unclear procedure for local employees. However, it has been noted that part of the calls for public consultations

or announcements of municipal council decisions is displayed in the premises of the institutions.

Also, 67% of the local units lack integrity plans or internal anti-corruption policies, as well as direct communication channels or guidelines to raise public concerns and complaints to public services that institutions provide. So, despite the fact that the local government aims to be closer to the citizen, through the identification of the needs, to provide better quality services, it is noticed that in Albania the appropriate mechanisms are still not in place to bring the community closer to the local representation.

Access to information is at 41%. Unsatisfactory values appear in the establishment of information offices for the citizens of the communities covered by the units, the lack of disclosure of the name and contact of the person responsible for providing official information of the institution, as well as the lack or lack of attendance in training on the right to information and open data formats. In 32% of cases, local units hold meetings with citizens, create and update social network accounts, publish monthly news bulletins, and integrate into their platforms the electronic publication of services.

The highest performance values, units of local self-government in Albania achieve in Reporting to City Councils, with 94% of set indicators as a result of the legal obligation set out in Law no. 139/2015 “On Local Self-Government”. In part, as a result of the legal obligations of the administrative-territorial reform, local units meet approximately 66% of the Monitoring and Evaluation Indicators, to develop annual work programs and reports for mayors and municipal councils, but neglecting the establishment of performance indicators for the development of annual plans and annual reports.

Local units are not sufficiently effective in strategic planning, with 45% of set indicators. In a significant part of them, there are missing documents defining the institutional objectives, as well as action plans for achieving the objectives (including budget allocation and timelines of implementation).

The lowest percentage of achieved indicators of openness represents the component of transparency. Only in 27% of the cases, public information on municipal budget is published on official websites, 22%
of organizational information is transparent, while documents related to public procurement procedures are almost non-existent in their websites.

Transparency is very important to ensure the management of public services. It provides information that helps to understand the policy and reduces uncertainties that are often caused by lack of information. Thus, citizens can evaluate the performance of activities carried out by the public administration (Perona G.P., 2014, pg. 1)². Achieving 22% of transparency indicators leaves room for suspected corrupt practices with the public finances that local units manage but also on the quality of public service provided from these administrations to the community under their jurisdiction.

In addition, in the case of local government, there is also a low use of open data formats, with 7.2%. This result represents the lowest percentage in the region. The lack of these formats is also related to the low transparency of local government budget information. The municipalities of Këlcyra, Klosi, Libohova, and Pustec are four municipalities that do not carry any open data document; 22% is the highest result of publishing these formats on the official site. However, the use of open data formats by local administrations, and not only, remains one of the issues to be considered the most priority as one of the agreed standards in the Open Government Partnership, where the Republic of Albania has agreed to be part of the creation of in 2011.


RESEARCH METHODOLOGY

Openness represents a key condition of democracy since it allows citizens to receive information and knowledge, necessary for an equal participation in political life, effective decision-making and holding institutions accountable for policies which they conduct. Around the world institutions undertake specific activities with the aim to increase their transparency and accountability to citizens. The Regional Index of Openness was established in order to define to which degree citizens of the Western Balkans receive opportune and understandable information from their institutions.
The Index of Regional Openness measures a degree up to which institutions of Western Balkan countries are open for citizens and society and it is based on the following four principles: (1) transparency, (2) accessibility, (3) integrity and (4) effectiveness.

The principle of transparency includes that organizational information, budget and procedure of public procurements are publicly available and published. Accessibility is related to ensuring and complying with procedures for a free access to information, improving accessibility of information through a mechanism of a public debate and strengthening interaction with citizens. Integrity comprises a mechanism for prevention of corruption, conducting code of ethics and regulations of lobbying. The last principle, effectiveness, refers to monitoring and evaluation of policies conducted by institutions.

Following international standards, recommendations as well as examples of good practice, these principles are further developed through special quantitative and qualitative indicators, which are evaluated on the basis of: accessibility of information on the official websites of institutions, quality of a legal framework for individual issues, other sources of public information and questionnaires delivered to institutions.

By using more than 110 indicators per institution we have measured and analyzed the openness of all municipalities in the region and collected over 1000 pieces of data. The collection of data was followed by a process of data verification, which resulted in standard error of +/- 3%. The measurement was conducted in the period from December 2017 to the end of February 2018.

*ActionSEE* is a network of civil society organizations that jointly work on promoting and ensuring government accountability and transparency in the region of South-East Europe, raising the potential for civic activism and civic participation, promoting and protecting human rights and freedoms on the internet and building capacities and interest within civil society organizations and individuals in the region in using technology in democracy promotion work.