



# THE OPENNESS OF LOCAL SELF-GOVERNMENT UNITS

Recommendations for improvement of the current situation



**Authors:**

Aldo Merkoçi - legislative Director, MJAFT!

Xheni Lame - Program Manager, MJAFT!

# **THE OPENNESS OF LOCAL SELF- GOVERNMENT UNITS**

Recommendations for improvement of the current situation

This grant is supported by the 'Civil Society programme for Albania and Kosovo', financed by the Norwegian Ministry of Foreign Affairs and managed by Kosovar Civil Society Foundation (KCSF) in partnership with Partners Albania for Change and Development (PA). The content and recommendations do not represent the official position of the Norwegian Ministry of Foreign Affairs and Partners Albania for Change and Development (PA).

**August 2022**

## Table of Contents:

1. Introduction
2. Institutional Openness of Local self-government units in the Republic of Albania
3. Methodology of the research
4. Recommendations for improvement
5. References

## 1. Introduction

Based on the methodology for measuring institutional openness, MJAF! Movement has prepared this paper on policies, in which the levels of transparency and accountability of the local self-government units in the Republic of Albania are analyzed. The paper presents the results of a comprehensive research, based on scientific methodology, created by members of the ActionSEE network[1]. The purpose of this research is to present a general view of the current state of the local self-government units, as well as to contribute to the implementation of the reforms undertaken for public administration, to influence the reinforcement of the principles of good governance and to help institutions in the more efficient implementation of their duties. This document contains the results of the research carried out during the period March - August 2022, as well as recommendations for improving the institutional openness of the local self-government units in the Republic of Albania. Taking into consideration the work done over the years, in partnership with regional organizations, some of the indicators that measure performance have been reviewed and changed depending on the measured results, which presented the state of the institutions of the Republic of Albania, including the good practices in this field.

In this study, the methodology for measuring the performance of public institutions has been improved and modified; its indicators are adapted on the basis of results and findings of monitoring, developed in the past years, aiming to generate information that will contribute to better project results. The purpose of using new and improved indicators is to add a new dimension to this research and a more efficient approach to improving institutional openness in the country. Possessing knowledge, concrete results and analyzes of open institutional governance, as well as believing in the improvement of the work of the local self-government units in this area, also influenced by the concrete steps presented in the prepared guides, we intend to advocate for a higher level of openness in Albania. For this reason, indicators have been added to this research, which advocate for higher standards of proactive transparency.

The policy of open government should be a policy implemented in all local self-government units and should be defined like other important policies, and not come as a result of an actual decision or the state of the current party in power. Our proposal is addressed to decision-makers of the local self-government units in the Republic of Albania. This paper may be useful for representatives of international institutions and for colleagues from civil society organizations who work on such issues. In order to achieve a high-quality public dialogue on these issues, as well as to ensure the achievement of the principles of research transparency, public institutions will be informed about all the details of the performance and the conclusions drawn. The database with the open data collected within this program will be accessible to all those interested[2]. We are at your disposal for all suggestions, constructive criticism and discussions related to this paper!

## **2. Institutional Openness of the Local Self-Government Units in the Republic of Albania**

Coordinated inter-institutional efforts have been undertaken since the Administrative-Territorial Reform of 2014[3], to improve the performance of local self-government units, increase and strengthen the capacities of the personnel of these units, as well as increase transparency. Since the end of 2021, discussions on the review and change of this reform have begun between the government and the largest party in the opposition. In the framework of these discussions, the Special Parliamentary Commission "For Administrative-Territorial Reform in the Republic of Albania" was also created. The purpose of this commission is to evaluate the results achieved by the 2014 reform and make modifications according to the inherent need, centered on the citizen and the improvement of the services offered to them. Aiming at the citizen in the center as well, the opposition proposes even more fundamental changes, such as the change in the number of local self-government units from 61 to 95 municipalities, motivated by the claim that the current division is influenced by political interests not for the benefit of the communities[4]. The special commission created in June of this year has not yet reached a final proposal concluded between the political parties involved.

The "Star II" project has made a very important contribution to the support of the Administrative-Territorial Reform. A project worth 8.2 million EUR, financed 43% by the European Union and supported by the United Nations Development Program, the Government of Sweden, the Government of Italy, the Swiss Government, the United States, the Albanian Government, a project which aimed to achieve objectives for the period July 2016 - December 2019[5]. The project was designed with the aim of: (i) strengthening institutional and administrative capacities, (ii) improving the efficiency of service delivery, and (iii) increasing local democracy by promoting citizen-centered governance and participatory decision-making, using the role of women as agents of change[6].

Also, the Information and Data Protection Commissioner's Office has focused in recent years on training and increasing the capacities of the administrative staff of these units, with the aim of raising their awareness in providing proactive public information, to be as transparent as possible to the citizens of the community they cover. Despite the fact that guideline no. 187, dated 12/18/2020 "On the approval of the revised transparency program"[7] charges all public authorities with the exception of local self-government units, from monitoring it has been noticed that almost every unit that has an official website, has adapted this transparency program model to publish the information provided for in Article 7 of Law no. 119/2014 "On the right to information", on the categories of information that must be made public without request. Throughout 2021, the commissioner's office has carried out two monitoring processes for the transparency of local self-government units, referring to the updating of transparency programs, the register of requests and responses, the data of the coordinator for the right to information and the coordinator for public consultation, as well as data on the budget and financial expenditure plan. According to this monitoring, the local government has an increase in transparency performance compared to 2020.[8]

These efforts have influenced the increase of institutional transparency over the years; the creation of official websites, the design of transparency program models, the development of trainings relevant to the field (although few in number), have influenced the promotion of proactive information provision, although these institutions still remain very rigid in implementing the political will to be as open as possible to citizens.

## **2.1. Local self-government units in Albania**

The Local Self-Government Units in the Republic of Albania, in the measurements made for the published data of the institutional activity of 2021, have scored 36.04% in fulfilling the indicators of institutional openness. Compared to the results of 2018, the local government scored easily positively in completing the indicators of institutional openness, where the total result of the government was at the level of 35.7%. However, the result still remains very low, despite the difference of 0.34 percentage points between the last two measurements. Considering the measurement periods, in the last three years, despite the continuous work and pressure for this power to be more transparent, the response remains at very low and unsatisfactory levels.

More specifically, the main pillars from which the National Index of Institutional Openness is generated, for Local Self-Government Units in the Republic of Albania, result in 24.56% completion of transparency indicators, 28.21% accessibility, 58.03% integrity and 68.78% efficiency and institutional awareness . The performance of these pillars in 2018 was as follows: accessibility, 33.58% completion of indicators, integrity 45.1%, transparency 27.03% and effectiveness 71.76%. Regarding the publication of documents in open data format, in 2018 the performance was 13.12%<sup>[9]</sup>, while in these measurements it was 15.18%.

The ranking of Local Self-Government Units, according to the performance obtained in this year's measurement, is as follows:

1. Skrapar 56.21%
2. Patos 56.09%
3. Malësi e Madhe 53.39%
4. Saranda 53.04%
5. Klos 52.33%
6. Mat 50.92%
7. Shkodra 50.92%
8. Tirana 50.34%
9. Finiq 49.63%
10. Maliq 49.63%
11. Lezha 48.45%
12. Kuçova 47.87%
13. Përmet 47.4%
14. Pogradec 46.35%
15. Kolonja 46%
16. Prrenjas 45.53%
17. Berat 44.24%
18. Roskovec 43.77%
19. Shijak 42.94%
20. Has 42.47%

21. Peqin 42.24%
22. Dibra 42.12 %
23. Dimal 41.42
24. Gjirokastra 41.18%
25. Dropull 40.6%
26. Libohova 40.37%
27. Mirdita 40.1%
28. Elbasan 39.66%
29. Kukës 39.19%
30. Mallakastra 38.72%
31. Tropoja 37.66%
32. Puka 35.67%
33. Tepelena 35.55%
34. Kamza 34.73%
35. Korça 34.26%
36. Kurbin 34.26%
37. Memaliaj 34.14%
38. Këlcyra 33.21%
39. Poliçan 33.09%
40. Cërrik 31.91%
41. Himara 30.5%
42. Delvina 30.27%
43. Gramsh 30.15%
44. Vora 29.08%
45. Devoll 28.62%
46. Vau i Dejës 27.22%
47. Durrës 26.63%
48. Bulqiza 26.51%
49. Pustec 25.06%
50. Vlorë 23.94%
51. Divjaka 23.23%
52. Kavaja 20.41%
53. Rrogozhina 16.67%
54. Selenica 13.13%
55. Belsh 12.43%
56. Fier 10.08%
57. Librazhd 7.98%
58. Fushë-Arrëz 6.81%
59. Konispol 6.81%
60. Kruja 6.81%
61. Lushnje 6.81%

### ***Transparency***

From the monitoring, it has been noticed that five units of local self-government do not have official websites, namely the Municipality of Fushë-Arrëz, Fier, Kruja, Konispol and Lushnje, which explains the low performance of these institutions in achieving international standards of institutional openness. While the official websites of the municipalities of Elbasan and Roskovec turned out to be unsafe when searching for information inside them.

Regardless of the legal framework, all local self-government units that have an official website have adapted the model instructed by the Office of the Commissioner for the Right to Information for Transparency Programs. However, despite this adaptation, it is noted that there is still a lack of relevant information published according to the established guidelines. The most frequently missing documents are related to plans and annual reports, as well as periodic reports. Also, information on the organizational chart of the institution and the contact details of the personnel.

The audio-visual transmission of the municipal council meetings remains an unaddressed issue by the local government. In general, information reporting the work of municipal councils in Albania is missing; the activity of these institutions is still considered closed and there is a lack of awareness to make the meetings open to citizens.

The documentation for the budget and public procurement remains unpublished even in the case of the local government. Plans and realizations are generally published, but documents related to the procedures of calls, decisions and contracts are still incomplete in the generation of the index.

Despite the fact that the Administrative-Territorial Reform has at its center the involvement of the citizen in the process, the realization of the public notification and consultation procedures at the local level is still negative. Information remains limited and often, what is published is related to the figure of the political leaders, and not the content of the process.

### ***Accessibility***

During the monitoring, a lack of information on the training of the personnel of the local government administrations was noticed. These trainings are considered important in increasing accessibility, since through these trainings the personnel strengthen the capacities in the approximation of the contribution of communities in decision-making processes. Even in cases where institutions claim to involve citizens in processes, such as participatory budgeting, the published information is very limited, leaving no possibility to assess the impact of these meetings on concrete contribution.

Although the local government opens calls for grants to civil society organizations, not all local self-government units have supported such initiatives. But even in cases where the local government has financed initiatives of organizations, not all stages of the grant have been made public with the general public.

Another finding during monitoring has been the publication of unofficial emails of designated Coordinators for the Freedom to Information. Specifically, such practice is found on the pages of 23 units: Belsh, Devoll, Cërrik, Dibër, Divjaka, Dropull,

Fushë-Arrëz, Gramsh, Himara, Korça, Kurbin, Lushnje, Maliq, Mat, Memaliaj, Përmet, Poliçan, Puka, Pustec, Selenica, Shijak, Dimal, Vora. Although every institution is obliged to send the list of employees to the National Agency of the Information Society to establish official communication addresses, it is seen that some units allow the use of personal emails.

### **Integrity**

The documents that are missing the most in completing the integrity component for local self-government units prevent the creation of online communication bridges between the public or interested parties with the institution, to express their complaints or concerns. Integrity plans and integrity measurement indicators are missing, too.

### **Effectiveness**

The performance indicators to plan and measure the annual work of the institution are two elements that reduce the performance of the effectiveness component for the local self-government units of the Republic of Albania. Development strategies for these units are found in only a few of them published. In almost all cases, the session of questions addressed to the units and the answers given by them, is missing; there is no summary document for the most frequent questions/answers, which significantly reduces proactivity with the citizens of the territory that these units cover. Also, not all municipalities that have answered the questions sent for public information, have implemented the legal deadlines of the law on the right to information.

### **3. Methodology of the research**

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. The National Index of Institutional Openness of the local self-government units was built in order to determine the degree to which citizens receive and understand information from their institutions. The National Index of Institutional Openness measures the degree to which public institutions are open to citizens and society, based on four basic principles, which are: (1) transparency (2) accessibility (3) integrity and (4) efficiency. 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 accessibility through the mechanism of public hearings and 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, efficiency, 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 based on 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 4,941 indicators, MJAFT has measured and analyzed the institutional openness of 61 local self-government units in the Republic of Albania. The measurements were conducted during the period March - August 2022.

#### **4. Recommendation for improvement of the current situation**

Referring to international standards of good governance and institutional openness, local self-government units should increase efforts to improve levels of institutional transparency and accessibility of decision-making processes by citizens of the communities they administer. Local self-government units are the structures that are closer to the citizen, compared to institutions or other public authorities. The involvement of citizens in the democratic processes of the units increases their credibility towards the institutions and the effectiveness of the provision of services, oriented according to the needs of the community.

Local self-government units should consider increasing and strengthening the capacities and awareness of Coordinators for the Right to Information. Preserving institutional memory, committing to not changing this position for medium-term periods, would increase the proactivity of institutional transparency to significant levels. The participation of responsible persons in relevant trainings for the right to information, publication of open data, as well as the preservation of sensitive information are key to ensuring an interactive and effective process with the communities of these units.

The publication of important information for citizens is one of the most priority issues to be considered by local self-government units. The latter should be oriented towards the approach with the focus on the citizen and not the promotion of the political figures who lead the institutions.

Increasing the number of educational materials for citizens is one of the most important recommendations to be considered by local self-government units. More specifically, the local government should engage in publishing the budget for citizens, informing them about the initiatives planned for discussion by the Municipal Council, as well as publishing the annual budget realization through informative graphics.

The openness and transparency of the discussions of the Municipal Council. The local government, through the opening of the discussions and decisions of the local parliaments, increases the credibility of the citizen towards the institutions and their awareness to be part of the processes, contributing to the improvement of the services that this government offers.

## 5. References

- [1] ActionSEE “Accountability, Technology and Institutional Openness in the South Eastern Europe” is a regional network of organizations from the countries of the Western Balkans that have built the Regional Openness Index. In order to generate the National Index of Openness for Albania, the same methodology was followed, as MJAFT! Movement is part of this network since 2016.
- [2] ActionALBANIA “Accountability, Technology and Institutional Openness in Albania”: <https://actionalbania.org/en>
- [3] Administrative-Territorial Reform, link: [https://aam.org.al/wp-content/uploads/2018/11/Ligj\\_115-2014\\_31.07.2014.pdf](https://aam.org.al/wp-content/uploads/2018/11/Ligj_115-2014_31.07.2014.pdf)
- [4] Porta Vendore, March 2022: <https://bit.ly/3G1xXuj>  
Porta Vendore, October 2022: <https://bit.ly/3YCSe1K>
- [5] EU projects in Albania, link: <https://bit.ly/3Wf6vzW>
- [6] Porta Vendore, link: <https://bit.ly/3FKrFia>
- [7] Decree no. 187, link: <https://bit.ly/3Wdw04v>
- [8] Annual Report of Information and Data Protection Commissioner's Office 2021, link: <https://bit.ly/3YCZ5Z2>
- [9] The Openness of the Local Self-Government Units in Albania, 2019: <https://bit.ly/3PGjs3i>