

GOOD GOVERNANCE

FOR OPENNESS AND
ACCOUNTABILITY IN POLITICS
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Openness of Local Self-Government in Kosovo 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”, Open Data Kosovo has prepared an analysis of the level of transparency, openness and accountability of local self-governments in Kosovo. A general conclusion is that the openness of local self-government is at a very low level in Kosovo, and the same applies also for the region. In the period from December 2017 to February 2018, 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 Kosovo 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 Local self-government in the region

The openness of the local self-governments has analysed a numerous indicators in the second year of measurements showed significant difference compared with the last year's results. Namely, Albania had only 12% level of openness in the region in 2016 and in 2017 the measurement showed 27%, which demonstrates enormous work done by the local self-government in Albania in the previous period. All other countries in the region have nearly decrease in the percentage from the last measurement. That can be articulate by introducing this year some new indicators 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 is **31.5%** which means decrease for 2.5% than the previous measurement. Having in mind that the municipalities are the key institutions of citizens' service, it is from utmost importance to have progressive work done on a local level. The policy of openness must be a policy of all municipalities and needs to find its place among other significant state policies. It is high time to start with solving this issue. The decrease of the level of openness affects the level of citizen's participation in creating the local policies and the possibilities to influence and reshape the decisions made by the local self-governments.

It is one thing to say that new indicators made more demanding research, but on other hand no improvements were seen towards the most important role in the society they play. The regional accessibility level shows that still there are no reports from the public debates published on their website, nor the reports from public consultations contain written explanations and provided answers, neither the information for which free access is approved (responses to FOI request) published. With such low level of accessibility the local self-governments in the region are not enabling the citizens to be well informed and duly participate to the debates of issues with local interests.

2. Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, from 4th of November 1950.

Available at: <https://goo.gl/uclfdF>

Accessed: 01.06.2017

In terms of strategic management and awareness level in the region, which is unsatisfactory, only 48, 12% in 2017, Albania and Bosnia and Hercegovina have shown the highest improvements, Albania having 20, 09% in 2016 and surprisingly 63, 21% in 2017. As a specificity of the region can be seen that the Local self-governments are lacking of indicators of performance when developing their annual work program and the program for the Municipal Assembly. The results present are not coherent with the determination of the LSGV to work strategically if not followed by the indicators of performance. Such strategically approaches written only on paper, within the overall and general strategic papers, can be perceived as fulfilling the legal obligation to have developed an annual work programs and a written plan setting out its objectives (Development Strategy).

In order to assure higher level of awareness into this one must implement a process of developing an action plan for implementation of the Development Strategy which contains specific timeline, budget allocations and responsible implementing bodies. An annual budget is typically the key instrument by which a local self- government translates its policies into action plan. Therefore, budgets should not only be available to the public; they should also be accessible to the public in a way to understand the objectives and way of reaching the goals.

Instead of the expected progress in the area of integrity, institutions of LSGV power in the region had even worse results in comparison to previous year. Larger decrease of the level of integrity is considered due to not having foreseen several issues, one of which is to conduct trainings/ workshops or other educational activities for its officers on the topics such as conflict of interest/preventing corruption/whistleblowing in case of irregularities. Also, one of the main concerns remains lack of a direct online communication channel available at the website through which citizens can raise concerns, complaints and making appeals.

This is not only an indicator of low communication opportunity, but rather no potential to transform the existing relations between the LGSV and the citizens, thusly improving the transparency and accountability. Yet, transparency is the place of additional debate, especially when it comes to implementing all activities that need some kind of technical support, as video streaming the Municipal Assembly sessions on their website, or video/audio records from municipal assembly sessions from at least 1 year available on the website.

But most importantly, the Citizens Budget is not published on the website which refers to spending and transparent and understandable way of distribution of funds. It is essential that Local self -governments issue such reports. They need to have the capacity to produce such reports on a regular basis, and government production of CBs also serves to institutionalize the government's commitment to presenting its policies in a manner that is accessible to the public.

In terms of public spending it is of crucial importance to have prior debates and draft decision on budget been submitted to Municipal Assembly far enough in advance to review it properly. In this regard we asked for 3 months prior to the start of the fiscal year as an indicator to be fulfilled by the LSGV, which came out not implemented. The deadline it may vary from country to country but all remain agreeable that the call for participation in budgetary public consultation has to be published on the municipal website in advance.

As one interesting specification that could be drawn here is that not everywhere this is seen as a part of the transparency principle, but more as if there is a legal provision. Namely, if there is no legal provision to publish quarterly/semi-annually report on work of municipal assembly, then they are not performing any analyses of the work done. Also, the information on names, positions and contacts of civil servants available on the website published is part of the improvement of situation that can be noticed in some of the countries but 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 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 in these areas is clearly reflected in providing no information on the shares of public enterprises held by the municipality. Recommendation that the strategic documents and annual action plans addressing the development of openness must be adopted remains. Within countries it is necessary to plan development but also to secure uniformity of openness of LSGV.

KOSOVO

Local Self-Governments

Local self-governance is a crucial element in bringing political representatives closer to their constituencies and forging strong links between citizens and public institutions. This connection makes it possible for officials to understand the problems and concerns of local communities, design policy solutions that maximize social wellbeing and provide services that respond to citizens' needs. Functioning of local self-governments is thus a good indicator of the commitment of political representatives to serve the public interest.

In the regional comparison of local self-governments, Kosovo is ranked last in the region scoring only **23%** of the set indicators; if compared to the last measurement, where Kosovo was ranked last with 26% of criteria met, there is a slight drop. In general, all Western Balkan states have scored between 23-28% of the set indicators at the local level, except for Montenegro which has scored 48%. In comparison to last year's measurement, we can see that all states have dropped in scoring on the set indicators for municipalities.

Two macro-level conclusions can be drawn from these results: local self-governance in general has a low score in regard to openness of institutions (in terms of accessibility, awareness, integrity and transparency of information) and it is generally lower than for other institutions. This suggests that strengthening democracy and service delivery in the region will require special attention to local self-governance.

Kosovo's overall score is negatively affected by lower levels of awareness and integrity, although the difference between the worst and best performing variables, accessibility and transparency, is less than 10%. All four examined areas should therefore be targeted by policy-makers working to improve local self-governance in Kosovo. This seems all the more urgent as the local self-governments come out of the evaluation as the least successful institution within Kosovo, only executive agencies fare worse scoring only 15.4% of the indicators.

The municipalities subject to the assessment are Dragash, Ferizaj, Gjilan, Glogoc, Graçanica, Junik, Klina, Klllokot, Leposaviq, Prishtina, Ranillug, Skenderaj, Suhareka, Viti, and Zvecan. The most successful of them are the Municipality of Viti, scoring 55% of the set indicators, the Municipality of Prishtina 47%, the Municipality of Gjilan 43% and the Municipality of Dragash, 43%, followed by Junik, Skenderaj, Suhareka, Glogoc, Ranillug, Graçanica, and Klllokot. Zvecan, which is at the end of the list, scored 1% of the set indicators, while Ferizaj, Leposavic and Klina received scores of 0% of the set indicators, since their websites were not functioning during the time of measurement and there wasn't any data available on how to contact the officials.

It should be noted that the municipalities established in Northern Kosovo are operational to a very limited extent because of the political problems (Mayors and their cabinets).

Accessibility

Similar to the overall score, Kosovo ranked fourth in accessibility of information in local self-governments scoring **19%** of the set indicators, which shows a drop compared to last year's measurement where Kosovo scored 24%. The champion on accessibility in the Western Balkans region is Montenegro, which received a score of 43%, while last on the list is Bosnia and Hercegovina, which received a score of 10% of the set indicators. The domain of accessibility is further divided into subdomains: access to information, citizen interaction, and public consultation.

In access to information, Kosovo municipalities have achieved 30% of the indicators, which is similar to the average score of the other states in the region. The area that appears to be particularly neglected from the main subdomains is citizen interaction, in which Kosovo received a score of 12%; in public consultation, Kosovo received a score of 14%, which is similar to the reality in the region because the score in these two subdomains is low in most countries, except for in Montenegro.

The failure of municipalities to meet most of the benchmarks in the area of citizen interaction does not seem to be an isolated problem in Kosovo, most of the measured municipalities score very low and some of them even 0% of the set indicators. Exceptions are the municipalities of Viti, Prishtina, and Suhareka which received a score above 30% of set indicators.

More than one third of the institutions evaluated do not fulfil a single criterion on citizen participation, a state-of-affairs that should constitute a cause for concern for decision-makers in Kosovo. The benchmarks against which the assessment was conducted relate to the use of social media or other communication channels by the local institutions (such as Facebook and Twitter), existence of a regularly published municipal newsletter, and whether there are set consultation hours for exchanges between citizens and the municipal leadership.

It is worth mentioning that, none of the measured municipalities have dedicated time slots or a direct communication channel for citizens to address their issues and to interact with their leaders. Considering that addressing these shortfalls requires minimal resources and would yield significant results not only in moving Kosovo up in the present ranking but, and most importantly, in the quality of local governance and its responsiveness to citizen needs, municipal decision-makers are advised to design interventions that increase their interaction with their constituents.

In the field of public consultation, municipalities face difficulties in publishing plans, announcements of, and reports from, public debates with citizens on their websites, publishing decisions on fund allocation to projects and their outputs, and including the non-governmental sector into tendering. Here, yet again, finding a remedy to these shortcomings does not take much financial resources, but requires the will of municipal officials.

Finally, the results of the research show that local governments find it challenging to ensure full access to municipal information. While some municipalities have set up information bureaus, such as documentation centers or public databases, and provide contact information to individuals responsible for the given policy areas, virtually all of them fail to make public lists of registers of documents that they possess and do not have a training or guidance system for local public servants that would enable them to assess information for disclosure and fulfil their obligations under the law. Therefore, the room for improvement to ensure access to public information is vast.

Awareness

Kosovo's institutions of local self-governance have shown no incentive on working in fluctuations for awareness-related indicators. Overall, Kosovo scored only **12%** of the set indicators on awareness, while in last year's measurement the country scored 29% of the indicators. Macedonia has scored 16% of indicators being second to last, whereas Bosnia and Hercegovina and Albania are champions in the domain of awareness scoring over 60% of the set indicators. A good example to follow is Albania, whereas in the last measurement, the municipalities of Albania were ranked last in the region with a score of 20% of the indicators, meanwhile, this year, these municipalities scored 63%, which is a huge improvement within a year.

When looked at more closely, Kosovo's municipalities have dropped in position in regard to all subdomains of awareness. For example, in the reporting subdomain in last year's measurement, Kosovo scored 90% of the indicators, but this year the country's score decreased to 40%. But, on the bright side, Kosovo is improving in the subdomains of monitoring and strategic planning. In last year's measurement the country scored 3% and 0% in these subdomains, meanwhile this year, Kosovo scored 6% and 19% of the indicators respectively. In both of the latter two subdomains, Kosovo's self-governments are the worst performers of the Western Balkans region. None of the scrutinized municipalities have developed indicators of performance and impact of reform programs and plans, nor have they devised a plan setting out objectives of municipal leadership for the Development Strategy.

Similarly, besides the municipalities of Prishtina, Viti and Gjilan, no municipality has developed and implemented a performance management framework covering all of its objectives, services, and functions. The results indicate that principles and mechanisms of evidence-based policy-making have not taken root in Kosovo's local self-governments and that most programs and policies are devised and put into action in a haphazard way, failing to maximize their potential for social well-being. Local public officials find it significantly easier to fulfil their reporting obligations to the municipal assembly, rather than adopting a forward-looking attitude or applying clear performance frameworks. This inevitably reflects onto the quality of public services citizens enjoy in settlements across Kosovo. Tackling the existing deficiencies might be more challenging than in the previous cases as effective strategic planning and monitoring require both political will and officials with advanced skills, such as policy evaluation or capacities to conduct statistical analysis.

Integrity

Meeting the benchmarks for integrity in local self-governance seems to pose difficulties to most municipal institutions across the region. All of the Western Balkan countries score **40%** or lower on the set indicators. Kosovo finds itself at the very bottom of the list for the region, scoring only 1% of the set indicators; this is a significant drop compared to last year's measurement on which Kosovo found itself ranked in the middle with 25% of integrity criteria, aimed at preventing conflict of interest. Disaggregating at the municipal level uncovers uniformity across Kosovo's local governments.

The only criterion fulfilled by all municipalities is the public availability of the asset cards of officials. All the other criteria, such as existence of public mechanisms for reporting of illegal practices, existence of anti-corruption plans/procedures, and concomitant implementing body of the latter, are unmet by all. Only the Municipality of Prishtina has worked towards integrity on conflict of interest prevention by scoring only 23% of the indicators.

Fighting corruption is a sensitive and complex issue at all levels of governance, it is therefore of no surprise that it is the case in Kosovo's municipalities as well. However, contrasted with the nation-wide institutions, local governments have so far failed to institute mechanisms, plans, and procedures needed for anti-corruption interventions. This should be a starting point for eliminating corruption at the municipal level.

Transparency

Kosovo's local governments are among the least transparent when it comes to budget, organizational information, and public procurement transparency. As in other areas, Kosovo scored fourth in the region by scoring **29%** of the set indicators; a small improvement from last year's measurement where Kosovo scored 27%. At the bottom of the ranking for transparency is Albania scoring 21%, while on top is Montenegro in the lead with 51% of the indicators.

The most successful municipalities in terms of budget transparency are Viti scoring 89%, Dragash 69%, and Junik 60%, while other measured municipalities have scored less than the half of the benchmarks in this category. On the other end of the spectrum are Ferizaj, Klina, Leposaviq, Suhareka and Zvecan, who do not fulfil a single criterion and received a score of 0% of the set indicators for this subdomain.

The areas found the most problematic by many local governments are publication of information concerning the municipal debt, conduct of consultations on draft budget and publishing results of such consultations, timely submission of budgets to Assemblies, and publication of the Citizens Budget. The lack of budgetary transparency should be addressed by municipalities as a matter of priority, for transparent use of public finance is an essential precondition for delivery of public services and trust between constituents and their representatives.

Great diversity can be observed in Kosovo's municipalities in relation to the transparency of information on public procurement. While some fulfil few or no criteria Zvecan, Ranillug, Leposavic, Klllokot, Klina, Gracanica and Ferizaj with 0% of the set indicators, others score high on the set of indicators such as Prishtina and Glogoc which received a score of 79% of the set indicators. Other municipalities like Viti, Suhareke, Skenderaj, Dragash, and Junik scored between 30-50% of the set indicators. The indicators in this category relate to publication of procurement plans, calls, decisions, contracts, and annexes of local governments.

The degree of organizational information transparency is slightly more uniform across municipalities, most scoring around 30%. Municipality of Prishtina is ranked first in this subdomain, scoring 60% of the set indicators, followed by Gjilan with 56%, Viti with 55% and others scoring below 50% of the set indicators. The most troublesome areas are publication of information on property, access to streaming of municipal assembly sessions, publication of detailed urban and spatial plans, shares of public enterprises, annual work plans, and personnel information on the website.

While addressing some of them would require technical and financial resources that might not be readily available to many municipalities (e.g. to offer direct streaming of assembly sessions), most can be implemented without extra financial burden and within reasonable timelines. This would help improve Kosovo's current ranking in local self-governance transparency.

RESEARCH METHODOLOGY

Openness is a key condition of democracy, since it allows citizens to receive information and knowledge about an equal participation in political life, effective decision-making and holding institutions responsible for policies they conduct. A number of countries undertake specific actions towards increasing transparency and accountability of institutions. The Regional index of openness of local self-governments is developed in order to define to which extent citizens of the Western Balkans receive opportune and understandable information from their institutions.

The Regional index of openness measures to which extent institutions of the Western Balkans are open for citizens and society, based on the following four principles: Transparency, Accessibility Integrity, and Awareness. The principle of **transparency** includes that organizational information, budget and public procurement procedure are publicly available and published. **Accessibility** is related to ensuring and respecting procedures for a free access to information, improving accessibility of information through a mechanism of public debates and strengthening interaction with citizens. **Integrity** includes mechanisms for the prevention of corruption. The last principle, **awareness**, is related to monitoring and evaluation of policies which are conducted by institutions.

Following the international standards, recommendations, and examples of good practice, these principles are further developed through specific, quantitative and qualitative indicators, which are evaluated on the basis of: information accessibility on official websites of institutions, legal framework's quality for specific questions, other sources of public informing, and questionnaires delivered to institutions. The set of recommendations and guidelines, directed towards institutions, was developed on the basis of research results.

The data collection was followed with data verification process which resulted in the standard error of +/-3% The measurement was conducted in the period from December 2017 to the end of February 2018. A set of recommendations and guidelines directed towards institutions was developed on the basis of research results

About ActionSEE

ACTION SEE (Accountability, Technology and Institutional Openness Network in the South East Europe region) 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.

The core members of the network are Metamorphosis from Macedonia, Center for Democratic Transition from Montenegro, Center for Research, Transparency and Accountability from Serbia and CA Why Not from Bosnia. ActionSEE works with partners from Albania MJAFT and from Kosovo Open Data Kosovo, well as partners from other countries in Europe and the world.

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