

## GOOD GOVERNANCE

FOR OPENNESS AND  
ACCOUNTABILITY IN POLITICS  
AND GOVERNANCE

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# Analysis of the Openness of the 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 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 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 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.

## KOSOVO

### Local Self-Governments

Municipalities are the first door of interaction between citizens and representatives, as such have the crucial element in bringing them 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 their local communities, and help them design policy solutions that maximize social wellbeing and provide services that respond to citizens' needs. The 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 second in the region scoring 46% of set indicators, behind Montenegro which scored 57% of set indicators. This is a significant increase in their openness compared to last year's measurement where this score was only 23% of the set indicators and was ranked last. This increase of the level of openness was the introduction of the newly designed websites of the municipalities which have the same structure and same requirement for publishing information as followed by the Ministry for Local Self Government. As the Ministry for Self-Government was the most opened institution from the Line Ministries, is safe to draw the conclusion that good practices have been passed to the municipalities in Kosovo.

In comparison to last year's measurement, we can see that all states of the region have slightly increased in scoring on the set indicators for municipalities, compared to the comparison between 2016-2017 where the level of openness was dropping. Taking into consideration the results of the municipalities in comparison with central level a macro-level conclusion can be drawn from these results: local self-governance, in general, has a lower score in regard to openness of institutions (in terms of accessibility, awareness, integrity, and transparency of information).

By having the lowest score among central level institutions and other it drives the suggestion that in order to strengthen the democracy and service delivery in the region it will require special attention to local self- governance and improving their position.

Kosovo's overall score is negatively affected by lower levels of accessibility and integrity, thus meaning that municipalities are not paying much attention to public consultations with its citizens and working on conflict interest prevention. All four examined areas should, therefore, be targeted by policy-makers working to improve local self-governance in Kosovo. The municipalities subject to the assessment are Dragash, Ferizaj, Gjilan, Glogoc, Graçanica, Junik, Klina, Klokot, Leposaviq, Prishtina, Ranillug, Skenderaj, Suhareka, Viti, and Zvečan. The most successful of them is the Municipality of Prishtina, scoring 64% of the set indicators, followed by the Municipality of Klina 60%, the Municipality of Viti and Glogoc scoring 57% and the Municipality of Skenderaj and Ferizaj 54%, followed by Gjilan (52%), Dragash (52%), Junik (48%), Graçanica (27%), Ranillug (14%), Klokot (9%), while Leposaviq and Zvečan scored 0% of set indicators.

It should be noted that the municipalities established in Northern Kosovo are operational to a very limited extent because of the political problems and do not have functioning websites or contact information.

## Accessibility

In terms of accessibility, Kosovo municipalities are ranked third in the region scoring 25% of set indicators, after Montenegro (45%) and Albania (32%). There has been a slight increase in accessibility by Kosovo municipalities compared to last year's measurement where Kosovo scores 19% of set. 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 22% of the set indicators, which is similar to the average score of the other states in the region, except Albanian and Montenegro. The reasoning behind this score is that the Municipalities have not published FOI guidelines for citizens to address request, moreover the reports of the requests for access to public documents are not available in most of the municipalities. Moreover, municipalities have not organized themselves capacity building trainings for their staff on how to address requests for access to information or on starting publishing information in open data format. Except for Municipality of Prishtina, not other municipalities have published information on the open data format.

The area that appears to be increased in the level of Kosovo is citizen interaction subdomain, in which Kosovo in last year's measurement received a score of 12% while this year this score is 37%. Most of the Mayors in Kosovo have established hourly consultations with citizens which is a great step towards increased direct communication. Moreover, most of the Municipalities have opened facebook accounts in order to have a digital presence with the citizens. However, the facebook accounts are mostly promoting meetings and the work of the Mayor, rather to be used as a direct communication channel for citizens to be informed for potential public consultations or raise concerns etc. In regard to citizens services, municipalities are providing e-services for getting a different kind of certificates. Even that are other e-services provided by the municipal level in connection with central level such as paying property tax, still has not found usage from the citizens.

A recommendation for the municipalities is to offer on their websites frequently asked questions in order to avoid time-spending in responding to these questions.

In public consultation, Kosovo received a low score of 17%, which is similar to the reality in the region because the score in these subdomains is low in most countries, except for in Montenegro, and Kosovo was ranked second. This failure to meet the benchmarks of this is that despite holding public consultations the municipalities, fail to put a tentative calendar of the potential consultation through the year. Moreover, except for the news that the public discussion has been held, there are no reports which contain written explanations and provided answers to the comments and suggestions received. It is proposed that municipalities have a separate section for public debates whereas they would put the calendar of public discussion, information about the debate and agenda and reports.

Another important task to be done by the municipalities in the publishing calls for CSO and which CSO has received grants from the Municipality, what results have been achieved and other relevant information to the call.

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. Yet again, finding a remedy to these shortcomings do not take much financial resources, but mostly is based

## Awareness

Kosovo's institutions of local self-governance have shown great work in regards to increasing the score on the awareness domain, whereas, from last score of only 12% of the set indicators on awareness, this year's achievement is 58%. However, compared to other countries in the region, Kosovo is ranked fourth, behind Albania (70%), Montenegro and Bosnia and Herzegovina (67%), and the bottom part is Serbia with 17% and Macedonia with 13%.

Kosovo, municipalities under Law on Self-Governance which have set all legal obligations of the municipality in regard to their structure and reporting. However, apart of municipalities in Kosovo have not published their annual work plans or annual reports of the work, divided into the part for the Assembly and Mayor. The ones who have published the work-plans and annual plans, have not published for across the past years, but just recently since their websites have been updated. A recommendation for municipalities is to start using indicators of performance on their work-plans. This will help Municipalities to track their performance and have realistic approaches when conducting the plans. Municipalities such as Prishtina, Viti, and Gjilan, have developed and implemented a performance management framework covering all of its objectives, services, and functions.

Moreover, municipalities have to develop indicators of performance and impact of reform programs and plans, so they can devise a plan setting out objectives of municipal leadership for the Development Strategy. Similarly, besides The results indicate that principles and mechanisms of evidence-based policymaking 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 fulfill their reporting obligations to the municipal assembly, rather than adopting a forward-looking attitude or applying clear performance frameworks. This inevitably reflects on the quality of public services citizens 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 45% or lower on the set indicators. Kosovo finds itself at the very bottom of the list for the region, scoring only 16% of the set indicators, compared from last year measurement where it scored only 1%. As this is an increased level on the component of integrity however is a very low results. This shows very low results on Municipalities working on regulations aimed at preventing conflict of interest.

Indicators have shown that most of the municipalities have not hold educational training to their staff on conflict interest prevention, moreover have not published any guidelines on how citizens can raise concerns or inform the municipalities for potential conflict of interest and/or corruption. Disaggregating at the municipal level uncovers uniformity across Kosovo's local governments. The only criterion fulfilled by all municipalities in the public availability of the asset cards of officials. All the other criteria, such as the 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.

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 most transparent municipalities in the Region when it comes to budget, organizational information, and public procurement transparency. Compared to last year measurement where Kosovo was ranked last in the region, now is ranked second scoring 49% of set indicators, whereas last year this score was only 29% of the set indicators; an improvement from last year's measurement. At the bottom of the ranking for transparency is Albania scoring 29%, while on top is Montenegro in the lead with 53% of the indicators. The most successful municipality in terms of transparency is Prishtina scoring 73%, while the least transparent are Leposavic and Zvecan wheres in another the spectrum have not fulfilled 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 the publication of information concerning the municipal debt, conduct of consultations on the draft budget and publishing results of such consultations, timely submission of budgets to Assemblies, and publication of the Citizens Budget. Moreover, The indicators in this category relate to the publication of procurement plans, calls, decisions, contracts, and annexes of local governments. 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 the 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.

It is important to take into consideration that Municipalities in Kosovo, during 2018, have worked together with Ministry for Local Self-Governance to improve their budget information and procurement plans online, thus giving the opportunity to interested parties hold the institutions accountable. Moreover, the incentives given by international donors that they support only municipalities which are transparent in public procurement have given a positive competition in this regard.

Another sub-domain for transparency is the degree of organizational information transparency is slightly scores better than in the other domains. Municipality of Prishtina and Suhareka are ranked first in this subdomain, scoring above 70% of the set indicators, followed by Vitia, Gjilan, and Skenderaj with a score of above 60% of the set indicators. The most troublesome areas are the publication of information on the property, access to streaming of municipal assembly sessions, publication of detailed urban and spatial plans, shares of public enterprises, annual work plans, and especially when it comes to 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 the 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 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 core executive institutions 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 free access to information, improving the 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 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 2018 to the end of February 2019. A set of recommendations and guidelines directed towards institutions was developed on the basis of research results The set of recommendations and guidelines, directed towards institutions, was developed on the basis of research results.

## 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.

Open Data Kosovo is a nonprofit organization that believes in using civic-tech and digital humanitarianism to open government. This initiative promotes the idea that governance data should be made freely available for everyone to use and republished as they wish, without restrictions from copyright, patents or other mechanism of control

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