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ANALYSIS OF OPENNESS OF LOCAL SELF-GOVERNMENT IN ALBANIA AND REGION



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INTRODUCTION

In cooperation with partners from a regional network “Action SEE”, MJAF! Movement has prepared the analysis of a level of transparency, openness and accountability of local self-governments in the region of Western Balkans. A general conclusion is that the openness of local self-government is at a very low level in our country, as well as in region. In the period from October to December 2016 members of the network “Action SEE” worked on detailed research, based on scientific methodology, including sample of 144 municipalities from 6 countries and over 60 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 results of openness of parliaments and bodies of executive power, these results are the worst and at the same time worrying. It is expectable that openness increases as we move towards lower state bodies since they are in direct contact with citizens. However, the research has shown opposite. Regional powers should take much more effort in order to engage citizens in decision-making, which directly reflects on their life quality.

Taking into account that there are many problematic areas, municipalities from the region must be committed to improvement of 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 while 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 NGO sector dealing with these issues.

We are at your disposal for all suggestions, benevolent critics and discussions regarding our proposal.

OPEN GOVERNANCE OF LOCAL SELF-GOVERNMENT UNITS IN ALBANIA

The Government openness of the Local Self-Government Units in the Republic of Albania reaches 12% of the fulfillment of indicators, an unsatisfactory result for the performance of this power. This was mostly because of the Administrative-Territorial Reform, undertaken by the Albanian government, which came as a result of Albania's membership in the European Charter of Local Self-Government¹. More specifically, the local territory was divided into 12 regions and 61 municipalities according to Law no. 30/2015 "On some amendments and additions to Law no. 8652, dated 31.07.2000, "On the organization and functioning of local government", as amended²".

What we have noticed is that, this reform is implemented only on territorial and not on administrative level, so it makes the functional framework of local self-government units to be still unstructured and producing inefficiencies. Most of these units are in structuring and territorial organizing processes, to adapt their activity according to the law, still not well-consolidated.

Also, according to the Law No.119 / 2014, dated 18.09.2014 "On the Right of Information³", In Chapter II "The Right of Information and Transparency", it is defined that any public authority must compile and publish the transparency programs, including the public administration of local self-government units in the Republic of Albania as well.

Being a new-made reform in our country, there is still not any concrete assessment of the effectiveness of this reform. For the functions and their duties of local government units for implementing many important services for the citizens, this percentage must take the attention of the institutions, to raise awareness and to respond to improvement of this situation.

Communication and Transparency

The Law on the Right to Information clearly defines the necessary structure and infrastructure to be met by public institutions, regarding to public information and information sharing. In local government bodies' case, there is a lack of structure and communication infrastructure. A considerable part of the local self-government units in Albania do not have sufficient and specialized staff to share the necessary information with the public, the coordinator for transparency and information programs often appears as a lack on the institutional organogram. Also, it is important to be emphasized the usage of old communication channels. Only 35 local units (57.4%) out of 61 have an official website,

1) European Charter of Local Self-Government, Strasbourg, 15.X.1985

2) <http://80.78.70.231/pls/kuv/f?p=201:Ligj:30/2015:02.04.2015>

3) https://www.parlament.al/wp-content/uploads/2015/10/ligj_nr_119_dt_18_9_2014_19327_1.pdf

while there has been noted an improvement about social networks accounts, where these units have created their accounts. The use of traditional methods of communication through publishing information on the stands in their local spaces, often justifies the non-publication of the information in electronic form. The problem here is non access of these notifications for a long time by stakeholders as they are removed to be replaced by up-to-date notifications.

Communication at the local level is very important also for the fact of primary and referring services that local government provides to citizens. In the absence of this communication, citizens not only do not have the right information, but are deprived of receiving services because of lack of information. It is imperative to approach with a new comprehensive communication strategy, which enables the public to be timely informed in the fastest possible way.

Budget information

Budgetary information is the most difficult to be found by citizens and in context of a significant lack of explanations about spending at the institutional level. Most of the regional's municipalities do not publish the annual balance sheet on their official websites, or intermediate reports are almost impossible to be accessed. Also,

in terms of lack of information it is impossible to find municipal funding for local projects that they develop. All this situation is in contradicts with the principles of open government and public finances. According to internationally acclaimed standards, budget information should be public, accessible, and in open data format. Another important element is the lack of audit reports, which reflect all of the compatibility or violations in terms of financial transparency between public institutions-citizen. On the other hand, another budget issue is its understanding. In the case of local government units it has been noticed that even when budget information is published, they do not contain detailed explanations of expenditure and understanding of the information provided.

Strategic Planes and citizens participation

Local self-government units create their medium and long term development plans and strategies. In these cases, civic participation through public consultations is a necessity in order to match public interests with changes in local communities. It is noted that in mostly of the municipalities that are analyzed, public consultation plans are not transparent and information about them is not accessible.

Communication with citizens should be one of the priorities of local government, so it is necessary to build strategies for public awareness and reflection of their opinions. Fast communication lines such as phones, emails, or social networks become necessary for real-time transmission of information.

One of the principles of local government is open-door meetings of municipal councils, but this principle is often not been followed and has not been implemented. Thus, citizens have been unable of participating in council meetings, in this way their right to participation is violated.

The Structure of Local Self-Governments Bodies

In local self-government bodies, it is generally difficult to see information about their administration employees. Organograms are not fully published and mainly they contain information only for the heads, while for other employees it is difficult to find information by official channels of the municipalities. In those cases, when information about the organogram is provided, it still remains incomplete, as there is no data on names of employees, their incomes or staff contacts, in opposition to the standards of transparency.

Another aspect of the municipalities was the lack of qualified staff in information matters, in order to assessment of information and its publication through official channels of local government units, and in many municipalities there was a lack of transparency program coordinators. This is a legal obligation and recommended by the Commissioner for the Right of Information, for all public institutions. These structural deficiencies directly affect citizens, as it does not allow them to update to the necessary information.

Rekomandime për përmirësimin e performancës

1. IMPLEMENTATION OF THE ADMINISTRATIVE-TERRITORIAL REFORM NOT ONLY AT THE TERRITORIAL LEVEL BUT ALSO AT THE ADMINISTRATIVE LEVEL.

The Territorial reform adopted recently in Albania needs a rapid structuring at the administrative level, to provide services for citizens and to improve the level of transparency. Preparation and training for the administration to adapt to the new administrative changes.

2. OBSERVANCE OF THE ARTICLES OF THE LAW ON THE RIGHT OF INFORMATION.

Based on the law “For the Right of Information”, the public authority addresses the request for information by submitting the requested information as soon as possible, but no later than 10 working days from the day of its submission, unless a special law says otherwise. During our work, we have identified delays in response, in violation of the law. We would suggest for a smooth running of the informing process, the article of the law must be respect. We also suggest in the function of the work performance that the institutions do not overlap roles of their employees.

3. PUBLICATION OF BUDGET INFORMATION CLEARLY AND STRUCTURALLY AND IN OPEN DATA FORMAT.

Making budgets and budget expenditures transparent for citizens. We also suggest unifying the budget format by the institutions.

4. PUNISHMENTS FOR CONSULTATIVE PROCESSES VIOLATIONS.

Despite the positive initiative for establishment of a law that regulates public consultations, we have noticed that non-implementation of this law, is also due to the lack of administrative sanctions. We recommend changes or additions to regulate these issues in the law. To use all of the communication methods mentioned in the law to inform citizens about the consultative processes and municipal council meetings.

5. PUBLISHING THE PROGRAM OF TRANSPARENCY

Recruiting a qualified staff, or training and preparing the current staff on issues related to the right of information and transparency programs.

REGION

A regional result of openness of local self-government is disappointing and amounts to only 34%. Municipalities resemble black boxes more than key institutions of citizens' service. All problems recorded provide a credible picture of situation at a local level in the region, where the situation of our country is the worse due to the reason mentioned above. The policy of openness must be a policy of all municipalities and find its place among other significant state policies. It is high time to start with solving this issue.

RESEARCH METHODOLOGY

The openness is a key condition of democracy since it allows citizens to receive information and knowledge about an equal participation in a 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: 1. **transparency**, 2. **accessibility** 3. **integrity** and 4. **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.