



GOOD GOVERNANCE
*for Openness and
Accountability*

Authors: Selma Aščerić, Aida Ajanović, Tijana Cvjetićanin

ANALYSIS OF OPENNESS OF LOCAL SELF-GOVERNMENT IN BOSNIA AND HERZEGOVINA AND REGION

ZaštoNe?

 **ActionSEE**



This project is co-financed by the European Union.
The analysis was made with the help of the European Union.
The content is solely the responsibility ActionSEE network and
not in any way reflect the views of the European Union.

Authors: Selma Aščerić, Aida Ajanović, Tijana Cvjetićanin

ANALYSIS OF OPENNESS OF LOCAL SELF-GOVERNMENT IN BOSNIA AND HERZEGOVINA AND REGION

Recommendations for improvements

THE VIEWS EXPRESSED IN THIS DOCUMENT ARE AUTHORS' AND
DO NOT NECESSARILY REFLECT THE VIEWS OF THE DONOR.

Sarajevo - May 2017

INTRODUCTION

In cooperation with partners from a regional network “ActionSEE”, C.A. Why not has prepared the analysis of a level of transparency, openness and accountability of local self-governments (in the text: LSG) in the region of Western Balkans. A general conclusion is that the openness of local self-government is at a very low level in Bosnia and Herzegovina and region. In the period from October to December 2016 members of the network “ActionSEE” 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 analysis is to determine a real state in the area of openness and accountability, to show readiness of municipalities or cities 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.

These results for LSG are quite unsatisfactory and at the same time worrying. It is expectable that openness increases as we move towards lower state levels since they are in direct contact with citizens. However, the research has shown opposite. Regional LSG should take much more effort in order to engage citizens in decision-making, which directly reflects on their life quality.

Taking in consideration that there are many problematic areas, LSG from the region must be committed to improvement of existing state as soon as possible.

The openness 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 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 LSG. 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.

BOSNIA AND HERZEGOVINA

Transparency, openness and accountability in good local self government management are the basic preconditions of quality and should not be treated as "gifts" to citizens. The monitoring of openness of local self-government (LSG) showed several critical points and key obstacles in this area. One of the key issues for the efficient work of LSG, but also its openness to the citizens, is the lack of clear indicators for their policies, which should be adopted and made available to be available to citizens.

The lack of openness of LSG is recorded in several areas, including inadequate implementation of Law on free access to information; insufficient insight into spending of public funds; outdated modes of communication with citizens, etc.

The openness of decision-making process is not at a satisfactory level. Most of municipalities and cities does not publish a monthly newsletter, through which they would inform the citizens about current activities and results of municipality's work. This disadvantage is not compensated with presence of LSG units on social media (Facebook or Twitter). Most of LSG are not active on the social networks and haven't started to communicate with citizens this way. The monitoring showed that some local self governments do not have official websites.

There is no unified method of annually reporting to higher instances and to the citizens by LSG authorities, which is negatively reflected on citizens' awareness about the work of LSG authorities.

The work of local self-government in BiH is regulated by laws at entity levels. A survey sample included 36 units of LSGs, organized as municipalities and cities.

Local self-governments in Bosnia and Herzegovina meet 36% indicators of the openness according to the analyzed principles of transparency, accessibility, integrity and efficiency, which, taken together, give a comprehensive overview of the openness of LSG.

Compared to the openness of LSG-s in other countries in the region, BiH is in the third place, behind Serbia and Montenegro.

Municipality of Centar Sarajevo is most successful in fulfilling the four principles of openness, with 66% of the indicators fulfilled. The lowest ranked is Municipality of Glamoč, with only 5% of fulfilled indicators

The principle of accessibility is met with 35% of indicators.

Regarding public consultations, LSG in BiH meets 39% of the indicators. The indicators for communication with the citizens are met with 35%. The indicators for access to information are met with only 28% indicators, making this the lowest ranked criteria in this area.

Regarding the accessibility principle, the town of Široki Brijeg is the highest ranked, with 66% of the indicators met. The worst ranked are the municipalities of Petrovac (0% criteria), Jezero and Glamoč (5% each). There is no common practice to publish a Register of documents in possession of the local self governments. The analysis shows that many municipalities haven't designated the person in charge for solving the requests for access to information. The principle of publishing documents in open data format, to make information more accessible and easily searchable, is usually not followed.

It is necessary to establish stronger internal mechanisms for supervising the implementation of the Law on free access to information.

In addition to traditional channels of communication, the LSG needs to use more sophisticated ways to communicate with citizens, through available online tools, e-consultations, etc.

Each municipality and city should have its official website.

The LSG in BiH fulfills 46% of the indicators for the principle of awareness. Monitoring and evaluation of work is carried out in 59% of the analyzed local administrations. The obligation and procedures for submitting regular annual reports to municipal or city Councils, by the mayor, are established by the entity laws.

Municipal mayors have an obligation to submit annual reports to city councils. This obligation, along with the reporting procedures, is established by entity laws. The research showed that LSG units follow the legal provisions and submit their annual reports accordingly.

The strategic planning of LSG in BiH is satisfying in 37% of municipalities and cities. Some form of development strategies is present in 47% of the surveyed municipalities and cities, pointing to the fact that more than a half of LSG-s have no strategies of development.

The development strategies and their action plans should be prepared, adopted and implemented in all the municipalities and cities.

The implementation of the Local Self-Government Development Strategy should contribute to more effective and responsible work of local administration. Local services should serve the citizens more efficiently and at the less cost. This would also contribute to transparent and open working procedures of local self-governments.

Work reports and evaluations should be published and available to citizens, with the possibility of searching and comparing them with reports from previous years.

When it comes to the integrity of LSG, a modest 18% of indicators is met. The main reason for such a low score is the widespread lack of the mechanisms for prevention of conflict of interest.

Regarding the principle of transparency, local self-governments in BiH meet 37% of the indicators. The local self-governments are not sufficiently transparent in terms of their budgets, organizational information and public procurement procedures. The principle of transparency is met the most by the town of Široki Brijeg (72% indicators). The worst ranked is the municipality of Glamoč, which doesn't meet any of the indicators, mostly due to the fact that it doesn't have an official website. Some public information regarding the positions and names of civil servants is available in 42% of municipalities and cities.

Budget transparency of the local self-government in BiH meets 37% of the indicators. The best ranked in this segment are Municipality of Gradačac (81% indicators met), the town of Široki Brijeg (79%) and Municipality of Centar Sarajevo (73%). The worst ranked regarding the budget transparency are Municipality of Jezero and Istočni Stari Grad with a score of 0%. Those municipalities also have no official websites.

The principle of accessibility is met with 35% of indicators.

Regarding public consultations, LSG in BiH meets 39% of the indicators. The indicators for communication with the citizens are met with 35%. The indicators for access to information are met with only 28% indicators, making this the lowest ranked criteria in this area.

Citizens do not have the opportunity to analyze the budget through narrative and graphic explanations, which should be available through the "Citizens' Budget" documents, or similar document form which presents the budget in a simple and easy-to-understand manner. Of all the local self-government units in BiH that were covered by the survey, only the Municipality of Centar Sarajevo and the Municipality of Novi Grad Sarajevo have published "Citizens's Budget" documents.

Documentation on public procurement, such as public procurement plans, open calls, decisions and accompanying contracts, are generally not published. **Only 34% of municipalities and cities publish some data related to public procurement procedures.** Statutes and Rules of procedure of municipal or city councils are available on the websites of 65% of the LSG's covered by this research.

According to the international standards, all documents need to be in open data format, but only 10% of local self-government units have available data in this format on their official websites.

Since the bodies of local self-governments do not have a consistent practice of publishing financial documents, a special attention should be paid to strengthening of financial transparency.

For the principle of proactive transparency to be applied, it is also necessary to make available all information about the implementation of public procurement procedures.

Internal organizational rules and information about civil servants need to be available to the citizens. It is necessary to introduce the practice of publishing the "Citizens' budget" and to ensure the mandatory application of the principle for publishing documents in open data format.

REGION

A regional result of openness of local self-government is disappointing and amounts to only 34%. Municipalities and cities resemble „black boxes“ more than key institutions of citizens' service. All problems recorded in BiH provide a credible picture of situation at a local level in the region. The policy of openness must be a policy of all municipalities and cities 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 undertakes 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**
- 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.

C.A. WHY NOT

Dzemala Bijedica 309
71 000 Sarajevo
BiH

info@zastone.ba
www.zastone.ba