

GOOD GOVERNANCE

FOR OPENNESS AND
ACCOUNTABILITY IN POLITICS
AND GOVERNANCE

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Analysis of openness of local self-government in Kosovo

Proposals for the improvement of the current state



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INTRODUCTION

In cooperation with partners from a regional network “ActionSEE”, CDT 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 Montenegro and in 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 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.

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 maximise 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 comes close to the bottom with 26.7% of criteria met. The last Albania scores a mere 12.1% while the most successful Montenegro fulfils 57.5% of them. Two macro-level conclusions can be drawn from these results: local self-governance is of varying quality in the Western Balkans (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 accessibility and integrity, although the difference between the worst and best performing variables, accessibility and awareness, is less than 5%. All four examined areas should therefore be targeted by policy-makers working to improve local self-governance in Kosovo. This seems all the more so urgent as the local self-governments come out of the evaluation as the second least successful institution within Kosovo, only executive agencies fare worse with less than one fifth of indicators fulfilled (19.6%).

The municipalities subject to the assessment are Dragash, Ferizaj, Glllogoc, Gračanica, Klina, Klllokot, Malishevo, Mamusha, Mitrovica, Partesh, Podujevë/Podujevo, Ranilug, Štrpse, Zubin Potok, Zvečan. The most successful of them are Mitrovica (59.8%), Dragash (44.5%) and Podujevo (39.7%), with Ferizaj and Malishevo trailing closely behind. At the tail's end can be found Zvečan, Zubin Potok and Partesh who meet a mere 0% to 1% of benchmarks. It should be noted that this is mainly due to the slow process of establishment of new municipalities in Northern Kosovo most of which are operational to a very limited extent (Mayors and their cabinets).

Accessibility

Similarly to the overall score, Kosovo ranks second in accessibility of information in local self-governments (24.4%), while the laggard Albania hits the bottom with 17.4% and the leading Montenegro outperforms the rest with 48.4%. The domain of accessibility is further divided into subdomains: access to information, citizen interaction and public consultation.

In access to information and public consultation, Kosovo municipalities achieve similar scores to their overall average, but the area that appears to be particularly neglected is citizen interaction, in which Kosovo (15.4%) does twice as bad as the second worst performing Western Balkan country (29.9%).

Against the Kosovo's institutional landscape however, local self-governments do not particularly stand out in terms of accessibility (24.4%), executive agencies, prosecutorial council and public prosecution all ranking lower on this criterion.

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, all institutions consistently score one third or less on this measurement, the only exceptions being the municipalities of Malisheva, Mitrovica and Podujeva. More than one third of the institutions evaluated does 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 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.

Only five of the assessed municipalities have put in place any of these mechanisms, and only three of those five use both social media and newsletters to keep citizens abreast of municipal developments. Remarkably, no municipality has dedicated time slots for citizens to directly 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 of financial resources, but requires will on the side 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 centres 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 RTI law. The room for improvement to ensure access to public information is thus vast.

Awareness

Kosovo's institutions of local self-governance display great fluctuations in awareness-related indicators. Overall, they rank second to last on awareness with 29.2% of criteria fulfilled, whereas Albania lags behind with 20.1% and Montenegro is ahead of the entire pack with 65.4%. When looked at more closely, however, Kosovo municipalities are close to the top in the reporting subdomain (90%), but fail dramatically on monitoring (3%) and strategic planning (0%). In both of the latter two subdomains, Kosovo self-governments are the worst performers of the Western Balkan region. None of the scrutinised 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 municipality of Klllokot, 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 policy are devised and put into action in a haphazard way, failing to maximise their potential for social well-being. Local public officials find it significantly easier to fulfil their reporting obligations to the municipal assembly 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. Only Montenegro achieves a higher score in this domain (71.4%), the rest of the Western Balkan countries scoring 40% or lower. Kosovo thus finds itself in the middle of the ranking with 25.5% of integrity criteria aimed at preventing conflict of interest met. 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 but two municipalities, Glllogoc and Mitrovica. Nevertheless, even they do not fulfil all of them, scoring only 64.3%. Fighting corruption is a sensitive and complex issue at all levels of governance, it is therefore no surprise that it is the case in Kosovo municipalities too. 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, organisational information and public procurement transparency. As in other areas, Kosovo (27.5%) is at the tail before Albania (9.5%) and falling behind Montenegro in the lead with 58%.

The most successful municipalities in terms of budget transparency are Dragash and Podujevo, although they meet just about half of the benchmarks in this category. On the other end of the spectrum are Mamusha, Partesh, Zubin Potok and Zvečan who do not fulfil a single criterion. 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 as 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 (Gračanica, Klllokot, Mamusha, Partesh, Ranilug, Zubin Potok, Zvečan), others score high (Glllogoc) and even meet them all (Malisheva, Mitrovica, Podujeva). The indicators relate to publication of procurement plans, calls, decisions, contracts and annexes of local governments.

The degree of organisational information transparency is slightly more uniform across municipalities, most scoring around 30%. Partesh, Zvečan, Zubin Potok are the outliers on the low end and Dragash (41.6%) and Mitrovica (60.4%) stand out on the high end. 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.

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 in Montenegro provide a credible picture of situation at a local level in the region, where the situation is worse than in our country. 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 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 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, **effectiveness**, 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.

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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