



Openness of local self- governments in BiH and region

ZaštoNe 

 **ActionSEE**



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Authors: Selma Aščerić and Liljana Pecova Ilievska

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RECOMMENDATIONS FOR IMPROVEMENTS

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INTRODUCTION

In cooperation with partners from regional network of NGOs ActionSEE, Zašto ne? Sarajevo prepared a policy paper in which we analyze a level of transparency, openness and accountability of local self-governments (in the text: LSG) in the in the West Balkans region.

This paper is a result of comprehensive research based on scientific methodology, conducted by the members of the ActionSEE network during several previous months. Aim of overall research is to present comprehensive overview of current state in the stated areas, and also contribute the implementation of reforms in public administration, to influence strengthening the principles of good governance and aid the institutions in their more efficient implementation in their operations. We find that these are the aims we share with the institutions subject to research.

Policy proposal with its accompanying analysis is the second document of its kind. Following the conducted research, members of the network prepared the Recommendations for improvement of openness of institutions of government last year. Policies providing current state overview in the institutions of BiH and region, including observed shortcomings and good practices in the area were developed on the basis of results of research conducted in 2016. Upon the aforementioned analysis, recommendations and "road maps" for improvements in specific areas covered by research were developed the previous year.

Members of the ActionSEE network undertook improvement and modification of the research methodology and its indicators on the basis of results and findings from the monitoring conducted in the previous year, hoping that the new information obtained would contribute to better project results. Aim of using new and improved indicators is adding new dimension to the research and more efficient approach to improvement of openness of institutions in the region.

Possessing the knowledge, concrete results and analysis of regional openness, and believing that the institutions of local self-governments would work on improvements in the area led by simply presented steps for making the improvements, we decided to advocate for the higher level of openness of institutions of government in the region. Therefore, this year's research is upgraded by indicators advocating for higher standards in proactive transparency.

Openness policy must be adopted by all the governments in the region, it must be defined as all other important policies and not a result of instantaneous decision or current inclination of government. Even though each country in the region has its own, specific political conditions in which it develops openness, there is considerable room for joint regional activities on improving the current state in the area.

Our proposal is addressed to decision-makers of LSG in the regional countries. It can be useful for representatives of international institutions, as well as colleagues from NGOs who deal with these issues.

In order to achieve a public dialogue of higher quality regarding these topics, we will organize a series of public events in which we will hear opinions of all interested stakeholders and try to find joint sustainable solutions for development in this area. In addition, we will respect the principles of transparency of research and inform the institutions of all details of its conducting and adopted conclusions. We remain at your disposal for all suggestions, benevolent criticism and discussion regarding our policy paper.

OPENNESS OF LOCAL SELF-GOVERNMENT IN THE REGION

Analyses of 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 28%, 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%. 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.

In terms of strategic management and awareness level in the region, which is unsatisfactory, only 48% in 2017. Albania and Bosnia and Herzegovina have shown the highest improvements, Albania having 20% in 2016 and surprisingly 63% 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 LSG 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 LSG 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 LSG, 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 formats¹ 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.

¹Open data are data structured in computer-understandable format, which provides opportunity of free and repeated use.

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 LSG.

OPENNESS OF LOCAL SELF-GOVERNMENT IN BIH

The monitoring of LSG has showed several critical points and key obstacles in the area of openness. One of the key issues for the efficient work of LSG is the lack of clear indicators when LSG creating policies of openness to the citizens. A survey sample included 36 LSG, organized as municipalities and cities.

The openness of the decision-making process is not at a satisfactory level. Most of municipalities and cities does not publish a monthly newsletter, through which they should inform the citizens about current activities and results of municipality's work. This disadvantage is not compensated with presence of LSG 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 even do not have official websites.

Local self-governments in Bosnia and Herzegovina meet 27% of indicators of the openness according to the analyzed principles of accessibility, efficiency, transparency and integrity, which together give a comprehensive overview of the openness of LSG.

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

Compared to the openness of LSG in the region, BiH takes third place, behind Montenegro and Serbia.

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Openness and transparency of the decision-making process of municipal and city councils is not at a satisfactory level. The lack of giving necessary information to citizens need to be compensated by the presence of municipal and city administration on social networks. Generally, the official websites of municipalities and cities do not have the sections for "most frequently asked questions" or those questions are not answered timely.

Significant issue of the functioning of LSG is the lack of precise indicators of local self-government unit's success. There is no unique method for LSG on how to report the higher instance of government and citizen about their annual work. This is negatively reflected in informing citizens about the work results of the of municipal and city authorities.

According to the above mentioned principles, best ranking LSG are Municipality of Stari Grad Sarajevo and city of Prijedor. Lowest ranking has Municipality of Osmaci.

The principle of accessibility meets 10% of indicators.

Regarding public consultations, LSG in BiH meet 9% of the indicators, which means a drop of 30% compared to the previous year. Communication with the citizens meets 35% of the indicators, while the access to information meets only 28% indicators and this is the lowest ranked criteria in this area.

Municipalities and cities do not publish calls for public consultations and hearings. Plans and schedules of public hearings are not available on official websites of local self-government as well as reports on public hearings.

In terms of interaction with citizens and their freedom of access to information, LSG have a worse results compared to 2016 by 20%. Municipalities and cities are not active on social networks. There is no specific time for holding consultations with citizens. Official websites do not have a section for the most frequently asked questions. Some sort of interactions with citizens are practiced in only 12% of local self-government.

Free access to information meets only 9% of the indicators and very often the person responsible for addressing the request for access to information is not indicated. The Guide for access to informations is available only on 8% of the official websites of municipalities and cities. This kind of results indicates a tendency to decrease the accessibility of local self-government to citizens.

The official websites of municipalities and cities are not timely updated and the necessary information are not available on the web sites. According to this principle, the best ranked is municipality of Stari Grad Sarajevo, and the worst are municipalities of: Berkovići, Bosanska Kostajnica, East Mostar, Krupa na Uni, Čelić, Doboju Jug and Šekovići. The best ranked city is Banja Luka and the worst is city of Neum.

Only 3% of the local government administrations publishes calls for public consultation on its official websites. Only 12% of the local self-governments practiced giving answers to the most frequently asked questions in the previous year. As one of the noted problems is a disrespect for the disclosure of data in open data formats, which would make the information more accessible and easier to search.

Local self-government should consistently implement their legal obligation to conduct public consultations. Local self-governments in BiH should establish adequate and effective mechanisms of accessibility. It is necessary to establish control over the implementation of the Law on Free Access to Information, including the establishment of independent bodies whose decisions would be binding.

The officials who are in charge of acting upon requests for access to information should be indicated on all official websites of municipalities and cities. An official guide for access to informations should be updated and available on official websites of LSG, as well as all information for which the access has been already granted.

The local governments need to use more sophisticated ways to communicate with citizens like online communication, e-consultations, Facebook, Twitter etc. Each municipality / city should have official website, regularly updated.

The principle of efficiency in LSG meets 69% of the indicators and some progress has been made in comparison to 2016.

Monitoring and evaluation of the work has been carried out in 66% of LSG. The regular annual reporting was respected in all local self-governments covered by the survey.

Strategic planning is also at a satisfactory level in LSG. 66% of local self-government has the development strategy for 2017.

It is a significant concern that only 10% of LSG uses performing indicators when drawing up their annual work programs. According to the principle of efficiency, the municipality of Ilijaš and the city of Prijedor had the best result, and the worst LSG are Jezero, Krupa na Uni, Osmaci and city of Neum.

The administration of the LSG should be more efficient service to their citizens. The working procedures should be based on openness and with as little cost as possible. The evaluations and work reports should be available on the websites for the last three years, with the possibility of searching and comparing with the previous years.

The preparation of the annual work programs of LSG need to be made in accordance with the performance indicators. Development strategies should be prepared and adopted in all municipalities and cities, and the Action plans need to be implemented.

When it comes the integrity, LSG of Bosnia and Herzegovina meet only 15% of the indicators of openness. Local governments do not have sufficiently developed mechanisms to raise awareness of the importance of corruption prevention and the prevention of conflicts of interest in their administrations. Some sort of anti-corruption policies have only 17% of local self-governments (which were covered by the survey and responded to the questionnaire). There are no instructions, nor adequate guides for citizens when they filing complaints against officials. Only 13% of the LSG have instructions for filing complaints against officials. Also, officials in municipalities and cities are not educated enough about preventing corruptions and conflicts of interest.

Municipalities and cities should continuously organize and participate in trainings or workshops that are dealing with anti-corruption policies and topics. Municipal and city websites should have direct online communication channels, through which citizens can express concern or submit complaints against civil servants.

When it comes to the principle of transparency, local self-governments of Bosnia and Herzegovina meet 28% of the indicators of openness. LSG are not sufficiently transparent in terms of their budgets, organizational information and public procurement procedures. Budget transparency of local government in BiH meets 28% of the indicators. 36% of municipalities and cities carried out some form of public consultation regarding the draft budget in 2017. Budget for Citizens has only a few local self-government.

Citizens do not have the opportunity to analyze the budget through narrative and graphical explanations. Only 8% of LSG have published certain data concerning names of civil servants. Organizational information, information on held sessions, and decisions made by municipal and city councils are not transparent enough.

The annual work programs of municipal and city administration are publicly available only in 5% of LSG. Rules of procedure of municipal and city councils are available on 50% of websites of the LSG. According to the principle of transparency top-ranking LSG are Municipality of Stari Grad Sarajevo with 75% fulfilled indicators and city of Prijedor with 46% fulfilled indicators.

The lowest ranking municipality is Istočni Mostar, which does not even have the official website.

Data related to the public procurement procedures (public procurement plans, calls, decisions) are published by only 27% of LSG. Also, contracts concluded with the best bidders are not published. Only 5% of the local self-governments have partially published contracts on their official websites.

According to international standards all documents should be in open data format. However, only 10% of local self-government have available data in this format on their official web pages.

Transparency, openness and accountability in good governance are the basis of a successful local self-government and should not be treated as a "gift" to the citizens.

Information regarding internal organization of LSG administrations as well as contact information and names of civil servants should be available on the official websites of LSG. Due to the fact that municipal and city administration do not have unique practice of publishing information and documents related to finance, particular attention should be paid to financial transparency.

Respecting the principles of proactive transparency, LSG should establish a consistent practice of publishing Report on budget spending. It is necessary to introduce the practice of publishing the "Citizens' budget" and the principle of disclosure of data in the open data format. Public procurement plans, calls, decisions and contracts should be publicly available.

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 their own transparency and accountability to citizens.

The Regional index of parliamentary openness 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 LSG 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 the fact that organizational information, budget and public procurement are publicly available and published. Accessibility is related to ensuring and respecting procedures for a free access to information and strengthening interaction with citizens as well. Integrity includes mechanisms for the prevention of corruption, conducting codes of conduct and regulation of lobbying. Awareness is related to monitoring and evaluation of policies which are conducted, reporting and strategic planning.

Following the international standards², recommendations and examples of good practice, these principles are further developed through quantitative and qualitative indicators, which are estimated on the basis of information availability on official websites, legal framework quality for specific questions, other sources of public informing and questionnaires delivered to institutions.

Through about 80 indicators per institution, we measured and analyzed the openness of 144 LSG. After the monitoring was carried out, a control phase followed that showed a standard measurement error of +/- 3%.

Measurement was carried out in the period from January to the end of April 2018. Based on the results of the research, a set of recommendations and guidelines that are directed to the institutions have been developed.

ACTION SEE *is a network of civil society organizations that work together to promote and ensure the transparency and accountability of institutions in Southeast Europe, increase the potential for civic activism and participation, promotion and protection of human rights on the internet, and building capacity for the use of new technologies.*

²Standards and recommendations of numerous international organizations (such as Access Info Europe, EU, IPU, OECD, OGP, SIGMA, WORLD BANK, etc.) were analyzed.