

Openness of local self-governments in BiH and region

PROPOSALS FOR THE
IMPROVEMENT
OF A CURRENT STATE





**National Endowment
for Democracy**

Supporting freedom around the world



This proposal of practical policies is part of the project financed by NED - National Endowment for Democracy.

This project is co-financed by the European Union. The practical policy proposal was made with help of EU. Content is solely responsibility of the ActionSEE network and in no way reflects the views of European Union.

Authors: Selma Aščerić and Mila Josifovska

**Openness of local self-governments
in BiH and region**

RECOMMENDATIONS FOR IMPROVEMENTS

**The views expressed in this document are authors' and do not necessarily
reflect the views of the donor.*

Sarajevo, 2019

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.

Following the conducted research, members of the network prepared the Recommendations for improvement of openness of institutions. 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 2018.

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 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 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%, 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%. Having an increase of 5% 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 but generally remain at a non-satisfactory 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, Albania and Bosnia and Herzegovina. Despite the improvement in the openness of the LSGUs in North Macedonia in comparison to the previous year, this year's results show that North Macedonia is on the last place with only 25%. Nevertheless, the level of openness of the local self-government in Serbia is the only one that marks a setback, 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 regards 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 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, and fixed consultation hours with the President of LSGs.

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 programs 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 citizen's budget on their official websites which refers to the spending, 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 programs 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.

OPENNESS OF LOCAL SELF-GOVERNMENT BODIES IN BOSNIA AND HERZEGOVINA

According to the analyzed principles of transparency, accessibility, integrity and awareness which provide a general overview of local self-government bodies' openness, the municipal and city authorities in Bosnia and Herzegovina meet 33.60% of openness indicators.

The openness monitoring of municipalities and cities in BiH which covered 36 local self-government bodies, showed several standard "critical points", i.e. key obstacles when it comes to openness and transparency of local self-governing bodies' work. According to the regional research, Bosnia and Herzegovina is in third place with 33.60% of openness indicators met. The best result was achieved by Montenegro with 50.80% of openness indicators met.

Lack of openness is recorded in several segments: from the inadequate implementation of the Law on freedom of access to information, planning and access to public funds expenditures, to using inadequate and outdated communications methods. The majority of municipalities do not update their official websites, while some municipalities do not even have one.

The municipalities also do not have monthly reports regarding their work and ongoing developments within the municipalities. The ones that do have these, publish them irregularly. The transparency of the municipal and city councils' decision making process pertaining to the rights and interests of citizens is not up to a satisfactory standard. The citizens are not receiving the necessary information. Even with the municipal and city administrations' social media presence, there is no uniform practice of communicating with citizens in this manner. The official websites either do not have the "frequently asked questions" section, or the citizens' questions are not responded to in a timely manner.

A significant matter in improving the functioning of the municipal and city authorities and their openness towards citizens is the creation of clear success indicators of the local self-governing bodies' policies, which would be available to the citizens. Not enough attention was given to establishing a unique reporting method via which the municipal and city authorities would annually provide information to the higher level of authorities as well as citizens regarding their work. All of the above reflects negatively on providing information regarding the municipal and city authorities' work results and effects to the citizens. According to the mentioned principles, the city of Visoko and the municipality of Gradačac meet most of the indicators. The least amount of indicators was met by the municipality of Kupres (Republika Srpska), Glamoč and East Mostar.



The local self-government bodies in BiH meet only 16% of the accessibility indicators in 2018. Regarding the public consultations, the result is slightly better than the year before with 13% of indicators met. The reason behind this is the fact that municipalities and cities do not publish public discussion/consultation invitations. The public discussions schedule and the reports on the ones already conducted cannot be found on official websites of the local self-government bodies.

Regarding citizen interaction and the freedom of access to information, most of the local self-government bodies still have poor results. The research indicates a drop in this category compared to the previous two years. The social media activity of municipalities and cities is still not on a satisfactory level. When it comes to using the social media as a means of citizen communication, the situation has improved compared to previous years – 55% of local self-government bodies researched actively use Facebook. Most of the municipal and city administrations do not have a strictly defined time slot for conducting citizen consultations, and the official websites do not have a “frequently asked questions” section. Some type of interaction with the citizens is present in only 23% of local self-government bodies.

The access to information is the lowest-rated category, with only 12% of the indicators met. It is a common occurrence that details of the person in charge of resolving the information access requests are missing on the official websites of municipalities and cities. Similarly, the guide to access to information is often not available online.

Despite all of the mentioned shortcomings, this year’s result, in certain segments, is indicative of a mild accessibility increase of the local self-government bodies in the relationship with the citizens. However, it should be stated that public consultations held are insufficient, official websites are not regularly updated, and the citizens do not have access to all the necessary information.

Only 25% of local self-government bodies publish invitations to public consultations on their official websites – still an increase compared to the previous year’s 3%. Only 8% of local self-government bodies monitored provides answers to the most frequently asked questions, which is a slight decrease of 12% compared the previous year.

One of the recurring problems is not publishing information in open data formats, which would make said information more accessible and easier to find. In this regards, the city of Visoko is best-ranked, meeting 50% of the indicators, while the municipality of Srebrenik meets 36%. Municipalities of Kupres (Republika Srpska), Glamoč and East Mostar do not even have official websites, and are, consequently, the worst-ranked regarding the principle of accessibility.

The principle of awareness within the local self-government bodies meets 63% of set indicators, approximately the same result as in the previous two years. Monitoring and performance evaluation is now conducted by 63% of local administrations analyzed. It is obligatory for the municipal mayor/city mayor to annually publish the municipal and city councils' reports. In the year 2018, this procedure was followed by 93% of local self-government bodies included in the research.

The strategic planning of local self-government bodies in BiH is satisfactory in 73% of municipalities and cities. 67% of analyzed municipalities and cities had a development strategy for 2018. It is worrying however, that around 33% of local self-government bodies do not adopt development strategies, and that most of them do not use performance indicators when creating their annual agendas.

According to the principle of awareness, the municipalities Srebrenik and Orašje have the best scores, meeting 100% of indicators. They are followed by municipalities Centar, Bužim, Petrovac, Gradačac and Jajce who meet between 50% and 70% of indicators. These municipalities have satisfactory results when it comes to reporting on the Municipal councils' performances, the creation and implementation of annual agendas and implementation of development strategies.

In regards to integrity, the local self-government bodies in BiH meet a modest 20% of set indicators. Only 5% of local self-government bodies have developed some sort of mechanism for raising self-awareness regarding the importance of preventing conflict of interest within the municipal and city administrations. The official anti-corruption policy documentation is represented in 20% of local self-government bodies (the ones included in the research that responded to the questionnaire). In most cases, there are no instructions or appropriate guidebooks available to the citizens on how to raise a complaint regarding the officials' work. Local self-government bodies' online communication with the citizens, via which one could express concern or raise a complaint is slightly better than previous years, with this type of communication practiced by 36% of local self-government bodies.

However, the municipality and city officials are still not sufficiently educated regarding conflict of interest prevention. When it comes to integrity, municipalities Kotor Varoš, Han Pijesak, Jablanica and the city of Visoko have the best results, while the municipalities Ljubinje, Bileća, Dobretići, Fojnica and Hadžići have the worst.



The principle of transparency within the local self-government bodies meets 36% of set indicators, which is a slight improvement compared to the previous year. Local self-government bodies are still not transparent enough regarding their budgets, organizational information and public procurement actions. A little over 50% of municipalities and cities included in the research have conducted some type of public consultations regarding budget draft in 2018, and only a handful of local self-government bodies have citizens budget.

Citizens are unable to analyze the budget via narrative and graphic explanations, which should be available in the “Citizens budget” and similar documents where the budget information is presented in a simple, easy-to-understand manner. The budget transparency of the local self-government bodies in BiH meets 38% of set indicators.

Only 8% of municipalities and cities have information such as government officials’ names published online. Names and roles of government officials, and municipal mayors and city mayors’ biographies are, unlike previous years, available online for about 70% local self-government bodies included in the research. Information on held sessions and municipal/city councils’ decisions that are available to the public should be more transparent and detailed.

Municipal and city administrations’ annual agendas are available to the public in only 22% of local self-government bodies. Certain information regarding public procurement (public procurement plans, calls for tenders, decisions) are published by 37% of municipalities and cities. Official websites of local self-government bodies do not contain contracts signed with tenderers. Only 5% of local self-government bodies have partially published contracts on their official websites.

Even though, as per the international standards, all documents should be in an open data format, only 21% of local self-government bodies have information in this format available on their official websites.

In the category of transparency, the municipality of Gradačac and the city of Visoko have the best results, with 65% and 60% of met indicators respectively. The worst-ranked and without an official website are the municipalities of Kupres (Republika Srpska) and East Mostar.

Please be reminded that, transparency, openness and responsibility of good management are the main prerequisites for a high-quality local self-government and should not be treated as a “gift” to the citizens.

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 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 standards, 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 December to the end of April 2019. 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.

