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**ANALYSIS OF OPENNESS OF LOCAL SELF-GOVERNMENTS IN THE REGION AND MONTENEGRO**

**Recommendations for improvement based on the Regional Openness Index**

**Authors:** Dragan Koprivica, Milena Gvozdenović and Milica Kovačević



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**Introduction**

In cooperation with partners from a regional network of NGOs “Action SEE“, the Center for Democratic Transition (CDT) prepared the policy paper in which we analyze a level of transparency, openness and accountability of local self-governments in the Western Balkans region.

The policy paper is a result of extensive research, based on scientific methodology, conducted by the Action SEE members in the past few months. The aim of the overall research is to provide a detailed overview of the situation in these areas, and to contribute to implementation of the public administration reform, to have the effect on strengthening the principles of good governance and to help the institutions implement them more effectively in their work.

The policy paper, with accompanying analyzes, is the second such document. Action SEE network members made recommendations for improvement of institutional openness even last year, following the research conducted.

Based on the results of the research carried out in 2016, analyzes have been carried out to provide an overview of the situation in the institutions of Montenegro and the region, including the observed shortcomings and good practices in this area. Based on these analyzes, last year, recommendations and “road maps” were made for improvement of the specific areas covered by the research.

The members of the Action SEE network, after basing their work on the findings and results of last year's monitoring, started to improve and adapt the research methodology and its indicators. The aim of using new and improved indicators is to add new value to research and to make a more effective contribution to enhancing the openness of the institutions of the region. We believe that local self-governments, led by simply presented steps for improvement of the situation in these areas, will work on its improvement. That is why we want to advocate a higher level of openness of the institutions in the region. This year's research has been enriched with indicators advocating a higher standard of proactive transparency, which is also an international standard, and this represents the core of our project.

The policy of openness must be the policy of all local self-governments in the region, and it must be defined as other important policies and must not be the result of the current decision or the current mood of the government. Each country in the region has its own specific, political conditions in which its openness develops, but one can notice a significant space for a common regional action for improvement of the situation.

Our policy paper is addressed to decision-makers in local self-governments of the countries of the region. It may also be of benefit to representatives of international organizations, as well as to colleagues from the NGO sector dealing with these issues.

We remain open to all suggestions, well-meaning criticisms and discussions regarding the policy paper.

CDT Team

**Openness of local self-governments in Montenegro**

Openness of local self-governments in Montenegro is still at a very low level. On average, they meet only 48% of the openness criteria, which is a weaker performance compared to the last year.[[1]](#footnote-1) While some of the reasons for this arise from the fact that the indicators of openness are stricter and that lesser municipalities have provided answers to the questionnaires, the second part is evidence of insufficient dedication and lack of interest in openness policies.

In our sample, the best-ranked municipality was Tivat, which meets 63% of the openness criteria. The lowest ranked municipality was Šavnik, which meets half the less openness criteria - 31%. Such great differences in results once again show that the issue of openness cannot be tackled without clear policy of openness based on strategic documents and serious approach of public authorities at local level.

Municipalities not only do not meet some basic postulates of openness, but they violate the legal obligation of proactive access to information without consequence.**[[2]](#footnote-2)** Last year's findings remain unchanged this year – closedness of local self-governments is recorded in several fields: from the implementation of the Law on Free Access to Information, through displaying how the institutions spend citizens’ money, to the use of obsolete means of communication[[3]](#footnote-3). It is necessary for local self-governments to urgently change this practice and to start informing citizens more actively about all the actions and results of their work and manners of functioning, but also to take advantage of all the opportunities for greater involvement of citizens in the decision-making process. Below we present a set of recommendations for improvement:

**Improve arrangement and organization of local self-government websites**

Local self-government websites are often not transparent and searchable and it is necessary to work on their improvement.

Unsorted information and outdated sections are not a rare case, and combined with limited search possibilities it gets more difficult for the users to obtain the desired information with as few clicks as possible. In addition, local self-governments do not have a practice of publishing open-data.

**Proactively publish organizational and financial information about the work of municipalities**

Although it is not a legal obligation, municipalities can prepare work plans of the president and the services, as well as work reports of local assemblies, because there are no legal obstacles for doing so. Without a quality plan there is no quality monitoring and work evaluation.[[4]](#footnote-4)

In our sample, only one municipality has some kind of a work program of the president's office, and only two municipalities have published a work report of the local assembly. However, the results of our research show that municipalities are generally not sufficiently committed to informing citizens about their work and manner of functioning, given the fact that they do not even publish legally prescribed documents. On the websites of half of the municipalities, not all plans and programs of local assemblies for the last three years have been published, and 64% of municipalities did not publish any work report of the president. In addition, 36% of municipalities covered by the sample do not publish a list of civil servants and employees, and 72% of them did not even publish information on earnings of public officials.

The situation is not much more favorable with regard to financial transparency - about half of municipalities have not published all budgets and final statements of accounts for the previous three years. In addition, the Citizens' Budget, with the help of which citizens, as the main actors in budget creation, would gain insight into spending money in a simple and understandable way, is unknown to local self-governments.

Municipalities should also be committed to informing the public about the actions they are undertaking in the fight against corruption. The Integrity Plan, as a new anti-corruption document that would provide citizens with insight into what the municipality is doing to prevent and eliminate opportunities for emergence and development of various forms of corruptive and unethical behavior[[5]](#footnote-5)is not available on half of the websites of municipalities. On the other hand, most municipalities have informed us that they have participated in some anti-corruption training in the previous period and therefore it is necessary to continue to build capacities and mechanisms in this regard.

**Ensure publicity of the decision-making process in municipalities**

Local self-governments are still not devoted to involving and informing citizens about the decisions they make. Municipalities have the practice of publishing agendas and decisions of municipal sessions. However, they do not allow audio or video transmission of the sessions of the assembly through their websites.

Furthermore, more than a third of municipalities (36%) have no practice of publishing the minutes of the sessions, and 64% of them do not even publish press releases after the held sessions, which would inform citizens more closely about the decisions they have made.

**Provide unrestricted access to information of public importance**

Local self-governments should provide the public with all information that is a prerequisite for exercising the right to free access to information. The situation in this respect is not satisfactory, as more than half of municipalities (55%) have not published the updated Guidelines for free access to information, and more than a third of them do not even publish contact persons responsible for handling the requests for free access to information. In addition, more than half of municipalities have no practice of publishing information that has already been granted access upon request.

**Enhance communication with citizens and ensure efficient functioning of the service for citizens**

Although local self-governments are closer to citizens with their decisions and actions, they do not use the channels and mechanisms that will allow direct communication and interaction.

In a third of municipalities covered by the sample, there is no bureau for citizens, which would facilitate communication of citizens with the municipality and shorten the time for solving problems reported. About half of municipalities have no permanent term for consultations with the municipal president. Moreover, municipalities do not have the practice of publishing a monthly bulletin about their work that would present all the current events of importance.

It should also be added that local self-governments are still not a service provider through the e-government portal. The research also points out that local communities, which should be the basic mechanism for citizen participation in realizing local affairs and needs, are not sufficiently affirmed.

On websites of 36% of municipalities, there are no names and contact details of the presidents of local communities. These shortcomings have not been remedied either by using of social networks through which municipalities could directly inform citizens and promote their activities. 45% of municipalities do not have accounts on the social network Facebook, and 64% of them have no account on the social network Twitter.

**The region**

The lack of a strategic approach to openness is a common problem of most municipalities in the region, which has also reflected on this year's result. The last year's conclusion therefore remains unchanged - the policy of openness must be the policy of all the municipalities in the region and find its place among other important state policies, and it is high time that this problem begins to be solved.

Local self-governments in the region meet on average 31.5% of the openness criteria, which is a weaker result compared to the previous measurement. The weaker result was achieved in all the countries of the region with the exception of Albania. Local self-government in Albania meets on average 27.55% of the indicators. Although such a level of openness is unsatisfactory, it represents an improvement compared to the last year, when it met on average 12.12%.

It should be noted that this year's research included and advocated a higher degree of institution openness compared to the last year, adding new indicators that measure this openness. We believe that such a stricter approach partly affected the weaker result of local self-governments. However, the results and the analyzed data show that they did not generally work on the overall development of openness, so the new indicators did not prevail in the weaker results.

The presented issues in Montenegro give a credible picture of the situation at the local level and in the region where the situation is even weaker. The research shows that local self-governments in the region are not sufficiently dedicated to informing citizens so that they can adequately participate in discussions about problems of local interest. For example, a significant number of local self-governments in the region have no consistent practice of publishing reports from public hearings. Moreover, there is no practice of publishing information that has been granted access upon request for free access to information. Outdated communication methods still prevail in many municipalities, as evidenced by the lack of direct communication channels and absence of municipalities from social networks.

In addition, there is a significant number of municipalities in the region that do not meet the standards of financial transparency regarding publishing of final statements of accounts and information regarding public procurement. Municipalities should also improve strategic management. Rare municipalities in the region are using performance indicators when developing their plans and programs and work reports. In addition, there are also examples that the Development Strategy has no accompanying action plans to define activities, deadlines and resources.

**Research methodology**

Openness is a key requirement for democracy as it enables citizens to obtain the information and knowledge necessary for equal participation in political life, effective decision-making and holding of institutions responsible for the policies they are implementing.

Institutions around the world undertake specific actions towards increasing their own transparency and accountability to citizens. The Regional Index of Openness of local self-governments is developed in order to establish to what extent citizens of the Western Balkans receive timely and understandable information from their institutions.

The Regional Openness Index measures the degree to which the institutions of the Western Balkans are open to citizens and society, based on the following four principles: (1) transparency, (2) accessibility, (3) integrity and (4) effectiveness.

The principle of transparency implies that organizational information, budget and public procurement procedures are publicly available and published. Accessibility refers to providing and respecting the procedures for a free access to information, and improving the availability of information through the mechanism of public discussions and strengthening of interaction with citizens. Integrity includes mechanisms for the prevention of corruption, conducting codes of ethics and regulation of lobbying. The last principle, effectiveness, concerns the monitoring and evaluation of policies being implemented.

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

In accordance with the Index Development Plan, after the measurements and analyzes and recommendations given to the institutions, each year we introduce new indicators i.e. standards of transparency. In this way we effectively measure how institutions meet our recommendations and how much they deal with the openness policy. This year's index is, thus, richer for several new indicators.

The measurement was conducted in the period from December 2017 until the end of March 2018. The standard error of the total openness index is +/- 3%.

Based on the research results, this set of recommendations and guidelines, addressed to institutions, was developed.

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1. 50% of the municipalities in Montenegro were covered by the sample (Bar, Bijelo Polje, Herceg Novi, Kolašin, Mojkovac, Plužine, Pljevlja, Podgorica, Rožaje, Šavnik, Tivat). [↑](#footnote-ref-1)
2. Article 12 of the Law on Free Access to Information, *Official Gazette of Montenegro* 44/2012 and 30/2017 [↑](#footnote-ref-2)
3. CDT, Analysis of openness of local self-governments in the region and Montenegro. Available:

   <https://www.cdtmn.org/dobroupravljanje/du-analize/analiza-otvorenosti-lokalnih-samouprava-u-regionu-cg-2017-predlog-prakticne-politike/> [↑](#footnote-ref-3)
4. CDT, Planning, measuring, and reporting leveraging success of government policies - On the example of the municipalities of Nikšić and Kotor. Available: <https://www.cdtmn.org/dobroupravljanje/du-analize/upravljanje-za-rezultate-na-lokalnom-nivou-2017-predlog-prakticne-politike/> [↑](#footnote-ref-4)
5. Agency for Prevention of Corruption. Rules for drafting and implementing integrity plan. Available:

   <http://www.antikorupcija.me/me/integritet/integritetu/> [↑](#footnote-ref-5)