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Analysis of Executive Power openness in Albania and in the region

Proposals for the improvement of the current state

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Introduction

In cooperation with partners from a regional network of NGOs "Action SEE" Center for Democratic Transition (CDT) prepared the policy paper in which we analyze a level of transparency, openness and accountability of executive power institutions 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.

This document is the third in a row in which we review the state of openness of institutions and recommendations for improvement. After the first research that was done in 2016, we have started to improve and adapt the research methodology and its indicators, based on our knowledge on the findings and results of monitoring. This year's research has been carried out on the basis of indicators that will enable a precise picture of how many executive authorities have been working to improve their openness over the past year.

The policy of openness must be the policy of all governments in the region, and it must be formulated and written 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 the executive power institutions of the countries of the region at all levels: the Government, ministries and other state administration bodies. It may also be of benefit to representatives of international organizations, as well as to colleagues from the NGO sector dealing with these issues.

For the purpose of more quality public dialogue on these topics, we will organize a series of public events where we will hear the opinions of all interested parties and try to find joint sustainable solutions for development in this area.

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

Openness of executive power institutions in the region

The executive authorities in the region meet on average 48.41% of openness criteria. Although this result represents a slight improvement of about 5% compared to the previous research, there are not many reasons for satisfaction. An increase in the level of openness is most commonly seen as an endorsement by individual authorities in the countries of the region, and not as a rule of the system of government. The reason for this lies in the lack of clear policies that preserve the value of openness and, above all, rules and sanctions in case of their failure to comply.

The research has once again confirmed that the institutions of executive power are more open as we are moving towards higher organizational levels of government. Thus, governments in the region fulfil on average 63.62% of openness indicators, line ministries 50.58% and state administration bodies 32.22% . Inequality has been observed within the group of institutions itself, which testifies that the issue of openness in principle depends on the will or commitment of the person who is the head of that institution, and not the developed practices and regulations of the state. Such a situation calls into question the good practice recognized by individual institutions in situations where personal changes occur.

It is to be expected that the presence of international initiatives in the countries of the region, such as the Open Government Partnership (OGP), will contribute to the development of the openness of institutions of executive power. The commitment and engagement of the countries of the region to this initiative

is at a different level, which also testifies about the readiness of governments to implement and promote standards of openness and accountability.

Such standards also deserve the attention of the European Union (EU), bearing in mind that it is necessary to take place in parallel with other reforms that the state is pursuing on the road to the EU. In the recent progress reports, numerous problems are highlighted in the field of transparency, starting from the inconsistent application of the law on free access to information to insufficient transparency of the budget and the public procurement system.

All countries in the region should devote themselves to promoting the legally guaranteed proactive access to information, since nobody should have a monopoly on information of public importance that belongs to citizens. Also it is necessary to plan and develop openness policies that should be based on legal and strategic documents of the state. This would ultimately represent the crown of the multi-year process and the efforts of domestic and international actors in the "opening up" of state administration.

In order to contribute to the establishment of such a system, below are some of the key shortcomings that the countries of the region have to eliminate in order to ensure openness in the work of the public administration.

Organizational and financial transparency

The principle of proactive access to information is not being applied satisfactorily in the institutions of executive power in the region.

Citizens of the region continue to find difficult information about what institutions do and how they plan and spend their funds. The problems are present in terms of transparency of the budget, final accounts and public procurement procedures. Also, there are rare institutions in the region that publish their periodical financial reports.

The situation is not satisfactory in terms of publishing programs and work reports, although these are the basic documents through which institutions should provide citizens with an idea of what they are planning to do and what they did during the

year. The practice of compiling and publishing semi-annual work reports appears as an exception in a very small proportion of institutions.

Transparency of the decision-making process

Most of the countries in the region did not ensure the transparency of government sessions. Although transcripts should be published according to transparency standards as well as there should be video transmission from sessions, most governments do not publish even the minutes and materials from the sessions. Thus, citizens can be informed about the activities of the largest number of regional governments only on the basis of statements issued by governments after sessions. Such a practice must be changed urgently, as denial of information about key policies, that the government is planning, directly diminishes the ability of citizens to control the ones they have chosen and who should be responsible for their activities. A particular problem is the unjustifiable classification of documents with the mark of secrecy.

Accessibility and communication with citizens

Most websites of executive authorities are regularly updated with news and current affairs. However, significant space for improvement is noted for the organization and content administration. Governments of most countries have obsolete internet sites that need to be reconstructed in line with the development of modern information and communication solutions.

The largest number of organs is currently very far from the standard that prescribes "three clicks to the desired information" on the website. Publishing data in open data format is still not a practice in the region.

Although most governments in the region have established an e-government system, it has not been sufficiently implemented in practice. The usefulness of the many services offered through these portals is questionable due to their insufficient use. Although governments should make efforts to implement eGovernment promotion campaigns, a significant number of websites do not even have a banner or instruction on how to use this portal. Also, the eGovernment system in the region does not provide local services that would be important for improving the daily functioning of citizens.

The models of interaction with citizens are still dominated by conventional ways of communication. Less than half of the executive authorities have and regularly use social networks as a means of informing and communicating with citizens. Policy

Planning and Coordination

Governments in the region have yet to establish procedures and practices for better planning and coordination of their policies, as well as providing mechanisms through which citizens can clearly monitor their implementation.

Governments in the region generally do not have the practice of planning public policies in the long-run in the form of a program of work. Executive authorities are also not sufficiently devoted to measuring the quality and impact of their work, or are rare institutions that have told us to use performance indicators when preparing their programs and work reports.

Openness of the executive power in Albania

This year's executive power in the Republic of Albania received a lot of increase regarding to the one of last year, but yet remains in unsatisfactory %. In this year's measurements the Albanian governance reached 55.59% of the set indicators, showing an improvement. Core Executive performed 74.08% of indicators fulfilled, Executive Agencies 38.63% scoring the lowest performance, while Line ministries fulfilled 54.07% of openness indicators. As the measurements show, Executive Agencies are still the most non-performing institutions in the executive power in terms of openness and interactive communication with citizens.

By the end of the year 2018, students of public universities in Albania held a month protest, boycotting the auditors and coming against the Ministry of Education, Sports and Youth, as well as against the Government, raising concerns on educational fees, dormitories' conditions, lack of academic books etc. One of the students' requirements was the resignation of minister. Mrs. Lindita Nikolla, claiming that she had failed to design and implement the right educational policies. This protest is considered as one of the most important events of the year regarding civic reaction.

During the period of the protest, some changes happened in the Albanian Government. On 28th of December 2018, Prime Minister Rama changed 50% of the core executive, by declaring that the ministers that were leaving had given a great contribute. One of the ministers removed from the government was even the Minister of the Ministry of Education, Sport and Youth, Mrs. Nikolla.

Core Executive

The increase by 20% compared to the previous measurement, Core Executive of the Republic of Albania has performed approximately 74.08% of the openness. Even though this result is above the average percentage of the region, it does not represent a satisfactory level on the implementation of the openness policy, compared this with the international standard in which our research is based on.

Albanian government has scored 87.38% of the fulfilled indicators of awareness principle, 82.39% of accessibility indicators, 86.02% of integrity and 60.35% transparency. Regarding the accessibility component, the Albanian government fails to have a developed portal on open data, also to have a strategy in raising public servants' capacities on how to efficiently use social media. There is a lack of structure set to compile the work report on public consultation held by the institution. On the other hand, Freedom of Information is another aspect that has low performance: there is not an updated FOI guideline, as well as there are not held trainings or workshops on Freedom of Information.

The Prime Minister's office has not developed a lobbying law yet. Moreover, there is not designed any draft or paper work on this issue, to raise a committee to discuss on compiling a draft law on lobbying. Another integrity issue, representing a concern in the concept on openness of Albania administration, is also the publication of MP's asset card, which are accessed only upon official request.

The lowest score the Albanian government has reached on being transparent. There is no organizational information of the institution; no organigram, legal frame, work reports or

upcoming sessions' agendas are published. The minutes of core executive meetings are missing, while there is not any kind of budgetary information of the institution published on the official website.

Line Ministries

Line ministries in the Republic of Albania have scored 54.07% of set indicators on openness. Performance under four pillars of good governance for these ministries is: 57.35% accessibility's fulfilled indicators, 51.89% transparency, 64.77% integrity indicators and 47.27% awareness performance indicators. Throughout the research years, the performance of these institutions has been increased, even though not in satisfactory levels, due to the fulfillment of only half of the openness indicators.

The holding of public consultations procedures remains an issue to be addressed to line ministries to pay more attention; even though each ministry has a public consultation's coordinator, according to the law no.146/2014, the performance has scored 19.19%.

There is lack of information on annually work reports, as well as there is not any information on the names of public servants, their contacts and their salaries. The performance indicators set by the institutions to evaluate their civil servants are not so clear and measurable, while the mechanisms of monitoring and evaluation of the institutions' performance meet only 45.45%.

Regarding transparency, only 51.95% of the line ministries have published their budget, but the final tables of expenditures are not accessed by the citizens. These institutions refuse to publish this information, arguing that this is a responsibility of Ministry of Finances. Also, only 8.68% of information on public procurement is published, which scores the lowest performance. Likewise, the institutions are expressed that this information is provided by the Agency of Public Procurement.

Executive Agencies

Executive Agencies in the Republic of Albania scored 38.63% of the openness set indicators. This performance represents a

serious concern, since there are still unset working structures for most of these institutions, created the previous year by the government. The performance under the four pillars of good governance for the sample of agencies measured in this research is: 44.23% completion of performance indicators, 48.54% accessibility indicators, 33.6% transparency and 26.92% integrity indicators.

Most of these institutions do not have an official developed website, to provide all their institutional information. Whereas, for those that already have an official website, there is lack of budgetary information – only 17.63% of the indicators are met –, as well as all the indicators providing information on public procurements procedures held by these institutions are fulfilled in only 17.94%.

Research Methodology

Openness is a key requirement of democracy because it enables citizens to obtain the information and knowledge needed for equal participation in political life, efficient decision-making and holding institutions accountable for policies they implement. Institutions around the world are undertaking concrete actions in order to increase their transparency and accountability towards citizens. With a view to determine the extent to which the citizens of the Western Balkans receive timely and understandable information from their institutions, the Regional Openness Index has been developed.

The Regional Openness Index measures the degree to which the institutions of the Western Balkan countries are open to citizens and society, based on four principles: (1) transparency (2) accessibility (3) integrity and (4) efficiency. The principle of transparency implies that organizational information, budget, and public procurement procedures be publicly available and published. Accessibility refers to the provision of an abiding by procedures for free access to information and to the enhancement of the information accessibility through the mechanism of public hearings and strengthening of interaction with citizens. Integrity includes mechanisms for the prevention of corruption, the implementation of the Codes of Ethics and the regulation of lobbying. The last principle, efficiency, concerns the monitoring and evaluation of policies implemented by institutions. Following international standards, recommendations and examples of good practice, these principles are further elaborated through specific quantitative and qualitative indicators that are assessed based on availability of information on official internet sites of institutions, the quality of the legal framework for individual issues, other sources of public information and questionnaires forwarded to institutions.

Through more than 189 indicators, we measured and analyzed the openness of all the institutions of the executive power in

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the region and collected over 10,000 data. The data collection was followed with data verification process, which resulted in the standard error of $\pm 3\%$. The research was conducted in the period from December 2018 until the end of March 2019.

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