Analysis of Parliamentary 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 the regional network “ActionSEE”, the MJAFT! Movement has prepared a proposal of practical policies in which levels of transparency, openness, and accountability of the legislative power in the Western Balkans region were analyzed. The proposal is a result of comprehensive research, based on methodology, undertaken by the members of the network ActionSEE in previous months in all Western Balkans countries. The aim of the research is to provide an in-depth overview of the situation in the said areas, to contribute to the quality of reforms in the state administration work, to influence the enhancement of good governance and to help the institutions to efficiently implement them in their work. We are of the opinion that these are the objectives that we share with the very institutions comprised in this research.

The proposal for practical policies, with concomitant analyses, is the third document of this type. Last year, too, following the research conducted, members of the network made recommendations for improving the openness of institutions. On the basis of the results of the research conducted in 2016 and 2017, policies were developed providing an overview of the situation in the regional parliaments, including the identified shortcomings and good practices in this area. On the basis of these analyses, last year’s recommendations were made as well as Roadmaps for the improvement of specific areas covered by the research.

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 enabled a precise picture of how many regional parliaments have been working to improve their openness over the past year. The policy of openness must be the policy of all parliaments in the region, it must be defined as all other important policies and should not be the result of a current decision or current mood of the authorities. Each country in the region has its own specific, political conditions in which it develops its openness, but there can be noticeable room for joint regional action to improve the situation.
Parliamentary openness in the Western Balkans region

The results of the conducted research show that the parliamentary openness at the regional level increased in 2018 in comparison to 2017. The regional average in the final round of measurement scored 65%, which is 4% higher than in the previous year (61%). This finding is encouraging due to the fact that in 2017 new indicators were added, which tightened the measurement criteria and led to drop in the score in the year when the methodology was revised and became stricter. We believe that such research approach added up to the fact that after failing to meet the advanced indicators in 2017, parliaments consequently started to cope and develop their openness according to research findings and recommendations.

However, this year’s research also shows significant regional differences in the level of parliamentary openness. The gap among national parliaments varies from 79%, scored by the Montenegrin parliament, to 46% scored by the Bosnia and Herzegovina. In addition, the progress in the level of openness in the course of three years remains uneven, while the decline was recorded in the cases of several parliaments. Significant progress of 23% is recorded in Kosovo whose national parliament in 2018 scored 72% in comparison to 49% in 2017. Slight progress in 2018 is recorded in Serbia and North Macedonia, ranging from 3% to 4%, leading to the latest results of 58% and 62% of openness respectively. The slight decline in 2018 is recorded in the cases of parliaments of Montenegro (79%) and Albania (71%), in comparison to 2017 when Montenegro scored 80%, while Albania scored 75%. Montenegro is the only country in the region whose parliamentary openness suffers constant decline since 2016, leading to a drop of 6% in the course of three years.

However, the general conclusion is that the parliamentary openness remains unsatisfactory. The highest legislative bodies of the region still lack a strategic approach to openness policy as it was discernible and indicated in the analysis of the parliament openness in
2016, and as well remained unchanged in the results of the monitoring conducted in 2017 and in 2018. Requests for openness can only be indirectly derived from the Constitution, Rules of Procedure and other laws or acts, such is the Law for Free Access to Information of Public Importance or requirements from the EU accession process. As such, they are subject to different interpretations and readiness of the parliamentary majority to comply with the good governance and democratic principles.

Information on the work of parliament belong to citizens, and it is necessary to constantly improve the existing level of culture of parliamentary openness. Openness policy should develop as the pace of the new technologies picks up. New technologies should be used fully, as it would, inter alia, support and facilitate the publishing of data in a machine-readable form. In support of this, findings show that parliaments in the region are not committed to publishing data in an open format, thereby refuting and minimizing the usable value of the published information.

The lack of desire to work on improving the openness and transparency of the parliaments is genuine and confirmed also in 2018, when 4 out of 6 parliaments did not provide an answer to the questionnaire – Serbia, Montenegro, North Macedonia, and Bosnia and Herzegovina. This indicates that even those parliaments that scored the best when it comes to the level of openness, prefer ticking the box than substantially opening their work and cooperating with the civil society and citizens. The reluctance to answer the questionnaire is in itself an indicator of insufficient openness and of lack of interest in promoting openness. Our monitoring has shown several “critical points”, i.e., key obstacles to the development of parliamentary openness in the region.

**Transparency, accessibility and communication with citizens**

Research findings show that the openness in the domain of transparency increased at the level of the whole region. The only parliament whose score declined in this area is the Parliament of Albania lowering its result for 9% in comparison to 2017. However, it is worrying to see that when it comes to accessibility to citizens
Parliaments are stagnating throughout years, scoring a regional average of 61%. Parliaments need to work on improving their contact with citizens in order to fully conduct their role as the highest representative institution in regional political systems. This is particularly important in Bosnia and Herzegovina that in 2017 and 2018 scored a little above of one third of indicators – 39% and 37% respectively. Although the existence of the Law on Free Access to Information of Public Importance in the region greatly contributes to larger transparency of parliaments, it is necessary to further strengthen its implementation. It should be of utmost importance that parliaments make an effort to improve their own proactivity in publishing information on their work.

Among the parliaments in the region, there are champions and examples of good practice when it comes to publishing data on the work of parliament and of the MPs, we conclude that the legislative framework and the declarative commitment to respecting the principles of openness and international standards are often kept only on paper. The 2018 research also shows that information on the activities of MPs in parliamentary committees, documents emanating from the work of the committee or submitted amendments have not yet been published by most of the parliaments in the region.

Improving the interaction with citizens dropped in 2018 reaching an alarmingly low level with an average regional score of 31%, in comparison to 35% in 2017. Interaction with citizens meaning if citizens can address complains, interactive tools for communication such as Facebook or Twitter, and e-petition to raise awareness. It is particularly worrying that parliament of Montenegro, which holds the title of the champion of openness, scores only 31% in citizen interaction. Parliaments which interacted the least with citizens in 2018 are parliaments of Serbia (24%) and Bosnia and Herzegovina (14%). Parliaments in the region continue to be inert and do not strive to invest in new channels of communication that can help bridge the gap between citizens and their representative institution. Another regional problem is respect for the principle that the data should be published in open data formats, which would increase accessibility and make it easier for citizens to collect information.

Results in citizen interaction are particularly interesting due to the fact that in each country there is the basis for conducting public consultations, particularly in Albania (100%), Kosovo (77%) and Montenegro (77%).
Public consultation meaning the rules and procedures for citizens, CSO and other consultants be engaged in the work of committees and parliament. What certainly raises concern is the fact that transparency and communication with citizens remain low when it comes to preparing, discussing, adopting and presenting (in open data format) the most important annual legislative act in every country – the state budget. The average result for every country in 2018, increased by 10% percent in comparison to 2017, and amounts 51%. However, half of the countries continued performing unsatisfactorily in this area: Bosnia and Herzegovina (23%), Serbia (30%) and North Macedonia (38%).

It is essential that parliaments in the region make an effort to fully appreciate the significance, role, and opinion of civil society in democracy and to improve the mechanisms of cooperation with it. It has been noted that despite the existing mechanisms and declarative determination of the holders of legislative power, parliamentary cooperation with civil society in the region has been generally violated. The Republic of Serbia Parliament ceased the cooperation with the Open Parliament following the protest that this initiative lodged to the way that the Budget Law for 2018 had been debated and adopted.

**Parliamentary oversight – good basis and poor implementation**

Parliaments in the Western Balkans region continue to have a good base for conducting parliamentary oversight, which includes procedures which allow the parliament to question the government and hold it to account, but also the parliamentary committees to include experts in the consultation regarding some legislative pieces or policy area. The most noticeable improvement when it comes to this key parliamentary role was recorder in Kosovo, which in 2018 scored above 94% in comparison to only 19% of the indicators scored in 2017. This year, the Parliament of Kosovo overtook the best ranking position that was held by the Parliament of Montenegro, which again scored 93%. When it comes to the state with the other national parliaments, results have not suffered changes in comparison to the previous round of measurement with parliaments of Albania (88%) and North Macedonia (83). The Parliament of Serbia is the only one which suffered a decline of 5%, scoring 67% in 2018, in comparison to 72% in 2017.
However, it is necessary to significantly strengthen the parliamentary oversight at the level of the entire region, with an emphasis on ensuring its full implementation in practice. Parliaments in the region continued to formally apply this function in 2018, which led to the fact that the results of the parliamentary function. The need to strengthen the control and oversight function of the parliament in terms of its effective implementation was emphasized again by the European Commission in the individual reports for each country, published in May 2019.

This situation brings us back to the last year’s conclusion. Deterioration of the Parliament as a key institution in securing the rule of law and functional system of checks and balances, reflecting in seldom and perfunctory performance of the oversight over the executive, pose serious challenges to region’s democratic and EU integration process. All parliaments in the region must undertake efforts to fully and substantially implement the existing mechanisms, thereby contributing to increasing the level of political accountability.

**Weak evaluation and control of the work of parliaments and of deputies’ behavior – effects, integrity, and ethics.**

For the third year in a row, the research showed that the work of parliaments in the region was not based on the establishment of a uniform methodology and appropriate indicators for measuring the results and the quality of their work and the work of the MPs. Strategic planning of parliaments at the regional level is even lower than in the previous years. Strategic planning means if the states have adopted the Regulatory Impact Analysis aiming to provide a detailed and systematic appraisal of the potential impacts of a new regulation in order to assess whether the regulation is likely to achieve the desired objectives.

In comparison to 2017, when four parliaments fulfilled some indicators in this area, in 2018 only three remained with results – Albania (33%), Bosnia and Herzegovina (39.6%) and Montenegro (33%). Parliaments of Serbia and Kosovo scored zero points for the second consecutive year, while the North Macedonian Parliament joined their company in 2018.
This situation, which keeps repeating from year to year, continues to have an impact on the quality of parliamentary performance, as parliaments fail to conduct an impact assessment and sound planning.

The situation with lobbying slightly improved in 2018, as Serbia joined North Macedonia and Montenegro as a country which adopted the regulation in this area. However, Serbia remains the only country in the region which does not have the Code of Ethics for MPs, as North Macedonia adopted this document in 2018. However, the general conclusion is that the implementation of the Code of Ethics remains weak at the level of the entire region.

It is essential that parliaments that have not yet adopted the Code of Ethics set this as a priority for their agenda. Moreover, it is necessary that all the parliaments of the countries of the region establish clear mechanisms for monitoring the implementation of the Code of Ethics of the MPs and sanction each violation of the standards. Practice from the region shows that violation of the Codes of Ethics does not generally result in the sanctioning of misconduct, and often represents the subject of political agreements. Consistent implementation of the rules and principles set in the Codes of Ethics is crucial for raising the level of political accountability and public confidence in the work of parliaments.

Parliament of Albania

Referring to the results generated from the monitoring conducted in the period December 2018 - February 2019, the Albanian Parliament has performed positively on 72.94% of the indicators of measuring institutional openness. This result is 17.49% higher than the average performance of the Western Balkans region, but it has declined slightly compared to the performance of the institution last year. However, the Assembly remains the public institution with the highest level of openness at the national level. However, politically, the institution has faced a continuing boycott of opposition since June 2018, which returned in December 2018 to discuss on the protest of the students regarding their concerns on higher education in Albania. In February 2019, opposition MPs' mandates were handed over; the motive of boycotting and submitting seats, according to opposition representatives,
is the incrimination of the assembly. Regarding administrative performance, four pillars of good governance for the Parliament of Albania resulted as follows: 83.43% of accessibility indicators are fulfilled, 78.52% of awareness, 82.86% integrity and 62.21% transparency. More concrete, the Parliament of Albania achieves the lowest scores in being transparent providing information on state budget, public procurement and organizational information. The main information on the activity of the Albanian Parliament is published on the official website of the institution. The three-week calendar, the agendas of plenary sessions and committees, the list of adopted draft laws and regulations, the presence of MPs and their voting results, are easily founded and clickable on the front page. Below, some of the indicators performed during the research period will be presented.

Improvements to the Assembly Code of Ethics and regulation of conflict of interest prevention. During the previous year research period, the Code of Conduct of MPs in the Republic of Albania has been under discussion in parliamentary committees. The code was adopted in April 2018, based on which the article no. 32 provided the development of a detailed guide to conduct in the Parliament. The guideline, drafted on 27th of September 2018, aims to supplement, by explaining, interpreting or by procedural rules, the Code of Conduct of the MPs of Albania. Meanwhile, the situation regarding the initiative for the creation of a law regulating the lobbying activity in Albania, which for the third year of ACTION SEE research, performed negatively. In addition, the declaration of assets of the MPs is submitted manually and can only be accessed against official requests to the High Inspectorate of Declaration and Audit of Assets.

Higher institutional transparency. Fulfillment of publishing standards of public procurement procedures and budget expenditures.

Transparency is the component that has performed lower than the previous year’s measurements, thus reducing the performance of the institution. While the website provides information on the CVs of the MPs and their memberships in committees, the information of public servants is absent. The organigram of the institution is published on the website, but there are not provided names and salary categories for each employee.

In terms of planning, documents of annual work strategies are programs of the parliament are missing, but interim and annual work reports are available on the site. While public procurement does not have a space on the website of the Albanian Parliament; the transparency of any document related to the procurement procedure scored 0.

Referring to budget transparency, information on the annual state budget can be found on the parliament's website, but there is lack of information on the citizen's budget and the institution's annual expenditure table.

Although a significant percentage of the parliament’s activity is transparent on the website, there are still indicators that need to be improved. The Rules of Procedure of the Parliament provide that in addition to the agendas of the current session, the agendas of the next parliamentary session shall be published. In the monitoring period, the published document presented agendas for the period January - July 2019, while the agendas for the period September - December 2019 are missing. On the other hand, although the minutes of meetings and plenary sessions are on the site, their publication is very late in time by the moment when the meetings were held. In addition, the results of the MPs' voting are published only in the case of plenary sessions, but not for committee meetings.

Broadcasting parliament’s activity continues to be video only, with no audio recordings. Full broadcast is only for plenary sessions, on state television, and not for committee meetings; except of a few brief chronicles of national televisions. It is worth mentioning that finding information easily on the official website of the Albanian Parliament is not at the proper levels of transparency; the site does not have a search engine, so that every user can find information within it, without having to be knowledgeable or have previously worked with the site of the Parliament of Albania.
Improvement of the citizens’ accessibility of the institution; compiling guidelines and participation in capacity building trainings.

In legal terms, based on law no. 119/2014 “On the Freedom of Information”, the participation of the coordinators on FOI in transparency related trainings is not yet mandatory. However, referring to the questionnaire response sent to the administration of the Parliament of Albania, the person in charge of the right to information has participated in the trainings held by the Office of the Commissioner on the Right to Information and Protection of Personal Data, but no date is given when the trainings are organized. Access to open data is still low; the institution meets only 38.99% of the indicators that measure this performance fulfilled. Even in this case, the Coordinator on FOI of the Parliament of Albania stated that she participated in the trainings held for open data, but also no date was given when such events could be organized. Regarding the percentage of performance of the institution at regional level, the completed score is very close to the average performed by region (33.66%). The body responsible for monitoring the performance of institutions regarding the freedom of information is the Office of the Commissioner for the Right to Information and Protection of Personal Data. This office based on the monitoring of the situation, drafts guidelines to assist the institutions to provide public information, as well as compiling guidelines to the citizens interested on public documents. There are no accessible guidelines to help citizens understand how to complain about their requests for information of public interest.
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 determining the extent to which the citizens of the Western Balkans receive timely and understandable information from their institutions, the Regional Openness Index of parliaments 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 and 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[1] and examples of good practice, these principles are further elaborated through specific quantitative and qualitative indicators that are assessed on the basis of 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. The research was conducted in the period from December 2018 until the end of March 2019.

The research was conducted through more than 117 indicators of openness of parliaments in the region, and we have collected over 1000 data on them. 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.

Standards and recommendations of numerous international institutions were analyzed, such as Access Info Europe, EU, OECD, OGP, SIGMA, World Bank, etc.
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