



ACCOUNTABILITY AND TRANSPARENCY IN MUNICIPALITY OF DRENAS



Government of the Netherlands



EUROPEAN UNION

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Executive summary

Results from the survey with civil servants and focus groups with civil society members in the municipality of Drenas suggest that the efficiency of public administration in Drenas is improving. The research undertaken shows that in the last year there have been improvements in recruiting human resources based on the principle of meritocracy and that recruitment based on party affiliation has decreased. Despite this, the results also suggest that this phenomenon is not altogether alien. Similarly, the general conclusion was that political interference does not have much influence with regard to the degradation of the position or dismissal of a civil servant.

Moreover, there are signs that the public administration of this municipality will mark further improvement with the foreseen internal restructuring where the position of the civil servant will be in compliance with its professional background. One of the main concerns of citizens participating in the focus group was the lack of competences of civil servants due to the lack of compliance of their professional background with the position they hold.

Meanwhile, the results have shown that the municipality of Drenas continuously compiles reports on the performance of public administration and implements derived recommendations. However, it is unclear whether these reports are public to all employees, except those of the Information Office, as there is a variety of responses from civil servants and citizens on this issue.

On the other hand, there are also concerns on the constraints that the centralized system of government brings. One of them is the municipality's limited budget. Because of this limitation, the municipality is unable to increase the number of staff, to allocate a special budget for the Information Office, which in turn would help increase transparency towards citizens. Also, the template provided by the Ministry of Public Administration for municipal websites is restrictive to the needs of the municipality of Drenas. The Information Office has expressed being extremely dissatisfied with the restrictions imposed by the Ministry as it does not best serve the needs of public communication by the municipality. This calls to the system to be decentralized and each municipality have more competencies in determining its budget and the means it uses for public communication, depending on its priorities and needs.

Regarding other institutions that monitor the work of public administration; that of the Civil Service Supervisory Council and the People's Advocate are considered the most important, followed by non-governmental organizations and the media.

On the other hand, the results also raise concerns regarding the citizens' right to file complaints/inquire to the municipalities. The officials of this administration have expressed dissatisfaction due to the lack of use of this right by citizens, instead of using indirect methods to file a complaint/inquire in the municipality as through relatives who work in the municipality.

Regarding the submission of complaints/requests, the results suggest that Drenas citizens use

different methods to reach the municipal administration such as the use of social networks and the submission of complaints/requests through them, personal communication and through village administrators. Submitting the complaint/request through the formal methods seems to be less common and this might be interpreted as a lack of trust in the governing body itself as such, but also as a lack of culture of civic activism.

Methodology

For the preparation of monitoring and collecting the data and the conclusions of this report, we have used quantitative and qualitative methods. In the quantitative research part, we have collected data through the research method on the desk as well as through survey. On the other hand, to answer the questions "why" and "how" we have deepened in the analysis of the causes and for this, we have used the qualitative research method.

As part of the research work, desk research was used. On the one hand, data on municipal profiles were collected, and on the other hand, data on municipal performance were collected and analyzed in two objectives that were the priority of the monitoring process. Part of the desk research were also the data of municipal budgets as well as their allocation to the categories of capital expenditures and personnel expenses compared to other lines.

In the section of quantitative research, the crucial research instrument used was the survey conducted with municipal employees. On October 2017, we conducted the survey through questionnaires with 50 respondents according to the random method. The questionnaire was prepared taking into account the monitoring methodology developed and agreed upon by the partners of the Western Balkans Enabling Project for Civil Society Monitoring of Public Administration Reform - Weber. The sample was representative. The error margin for the Municipality of Drenas was 3.24% which is within the allowed limits of the quantitative research practice.

The collected data from the survey were analyzed and the same were subject to a legal and logical analysis before drawing conclusions. The data is presented graphically in order to be as understandable as possible to the audience. The quantitative findings were tackled within findings from the Qualitative Research conducted through focus group.

In the section of quality research, a focus group with local civil society activist, municipal employees and citizen was held. Focus group topics have been carefully selected and the moderator has taken care of maintaining the structure of the discussion open and uninfluenced. Upon completion of the focus group, the audio material was transcribed and analyzed. The main motives of discussion, the most prominent quotations, the most discussed ideas, including depth and compatibility or opposition to the ideas, have been analyzed.

Ultimately, quantitative and qualitative data were combined and data from both parts of the research are presented. We took care that in the process of submitting data, we respect the general standards of academic writing, always taking into account the specifics that public policy analysis has. Conclusions and recommendations derived have undergone an analysis of the context and reality of the political and economic system where the monitoring was conducted.

Introduction

“Accountability and Transparency in the Municipality of Drenas” report comes as the conclusion of the monitoring process on the municipality of Drenas regarding transparency and accountability. The main component of this process is the perception of civil staff and civil society about the status of this municipality regarding accountability and transparency. This report, within the project "Enhancing accountability and transparency of public institutions through the empowerment of a professional and apolitical local administration", aimed to identify key challenges in the functioning of local administration regarding public service, human resource management and accountability.

Meanwhile, through the results of the research undertaken, this project aims to pave the way for expanding reforms in order to promote meritocracy in public recruitment and improve accountability and transparency in the functioning of local administration.

The findings of this report were obtained through a survey conducted with the civil staff of the municipality of Drenas, where employees were subjected to two-part questionnaires. In the first part, Drenas municipality employees were asked to assess the municipal performance in terms of public service and human resource management to identify where the municipality stands, according to them, on the issues raised. In the first part, the respondents assessed the performance of the municipality in terms of recruitment and dismissal procedures; promotions, additions and compensation, etc.

Meanwhile, in the second part of the questionnaire, which encompassed the issues of accountability of the municipality of Drenas, respondents were asked to assess the municipality's performance regarding accountability to taxpayers and how they evaluated other actors of society such as civil society and the media, in their monitoring role of public administration.

The findings of this report were also facilitated by the focus group held with civil society actors operating in Drenas as well as the employees of this municipality. Through an open discussion, attendees had the opportunity to discuss the performance of the public administration in Drenas where both versions were encountered; the recipient of the public service and that of the provider. This enabled us to assess the mutual concern points of both parties and receive their recommendations.

Finally, through the opinion research of the civil staff of the Municipality of Drenas and the civil society of this municipality, we managed to come up with some recommendations which, hopefully, will help expand the reforms towards promoting meritocracy in public recruitment and improvement of accountability and transparency in the functioning of local administration by promoting a local government that respects the right to access public information and which also respects transparency as the value of good governance.

Public administration reform and WeBer project

European Commission on Kosovo report published in November 2016, highlighted two main problems regarding public administration reform in the functioning of public administration: the first concerns the politicization of public administration and appointments based on party affiliation and not meritocracy, and the second concerns the lack of transparency and accountability.

“The continued politicisation of the public administration, however, remains a serious concern. The organisation of the state administration is fragmented and does not ensure effective lines of accountability, and the overlap of responsibilities of government agencies needs to be addressed.” – the report suggests. In fact, the problem of recruiting based on party affiliation rather than meritocracy has been one of the most discussed issues in the last two years.

In 2016, a large number of senior officials were appointed through an extremely controversial process to independent agencies and public enterprises boards. Even civil society organizations, through public reactions, denounced serious legal violations by state authorities on these appointments. On the other hand, the large number of appointees based on party affiliation has also influenced their performance and accountability.

On the other hand, although the Law no. 03 / L-215 on Access to Public Documents is in force, transparency and accountability of municipalities remains challenged. The websites of a large part of the municipalities remain un-updated and the number of published information is deficient. The oversight role of municipal assemblies has not marked the proper progress and accountability is not a norm. In our project, we have foreseen monitoring and research work on public administration reform at the local level, highlighting the principle of Public Service and Human Resource Management and Accountability. We believe that work on these two principles will help identify and push ahead the reforms in compliance with of the implementation of the 2015-2020 Public Administration Modernization Strategy, drafted by the Kosovo Government by the end of 2015.

Otherwise, this project is part of the regional platform WeBer, the Western Balkans Enabling Projects for Civil Society Monitoring of Public Administration Reform - WeBer, which is designed to support civil society organizations to monitor public administration reform and to facilitate

sustainable regional development through communication platforms, political dialogue and qualitative media reporting. This consultative network of civil society organizations aims to empower civil society and facilitate the reform process in public administration for the Western Balkan countries. The WeBer platform aims to create tools and practical tools for consulting and monitoring the structure, performance and reform of public administration.

Results interpretation

a) Public Service and Human Resource Management

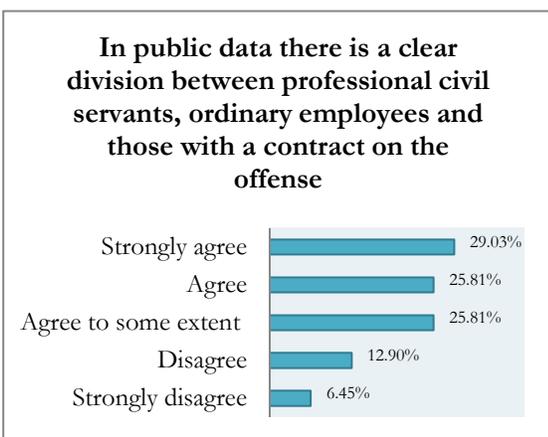
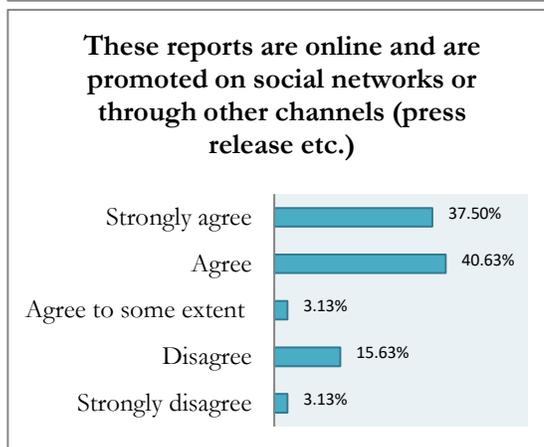
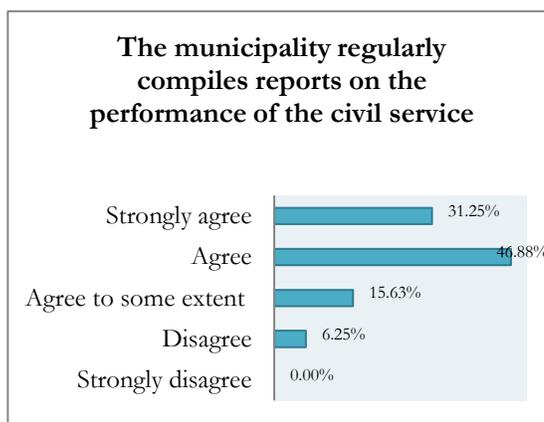
One of the key elements of the public administration reform monitoring process is to monitor the quality of public services and human resource management. A considerable part of the public services are under the responsibility of municipalities. Firstly, primary services such as family medicine and pre-primary, primary and lower secondary education are included. At the same time, the municipality is responsible for the public service of local transport, in particular for scheduling local itineraries etc.

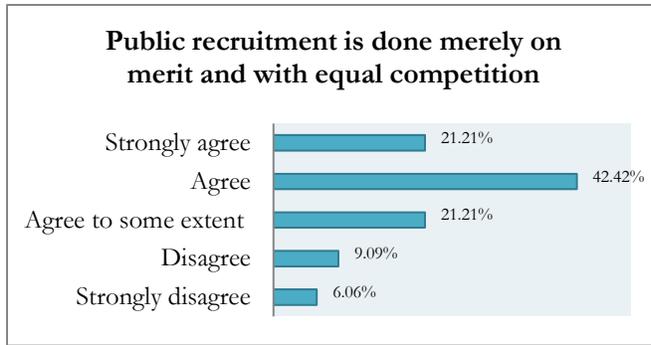
The first part of the questionnaire "Public Service and Human Resource Management" gathered data about the municipality of Drenas regarding the performance, recruitment, wage and compensation system of civil staff in the municipal administration.

Although there is a belief that municipalities in Kosovo are not so committed to the performance assessment of the civil service, about 78% of the correspondents agreed that the municipality regularly compiles reports on the performance of the civil service, while only 6.25% of respondents did not agree with this statement.

Also about 78% of the correspondents stated that these reports are online and are promoted on social networks or through other channels (press release etc.), which statement was negated by circa 18% of the respondents. According to data from the focus group discussion, reports on civil service performance are not accessible online,

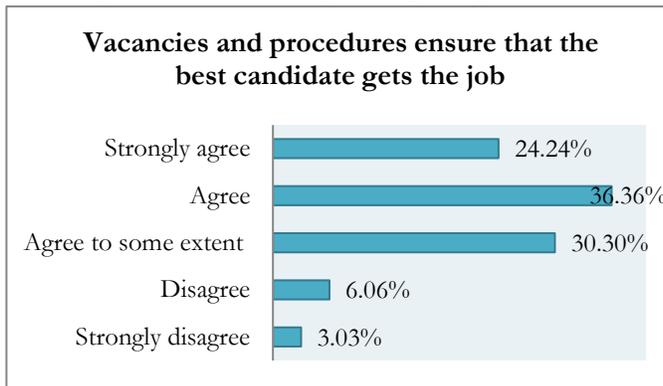
but the Information Office has access to each report. After our research, this was verified. Unlike what resulted from the responses of the respondents, these reports are not online in the website of the Municipality of Drenas.





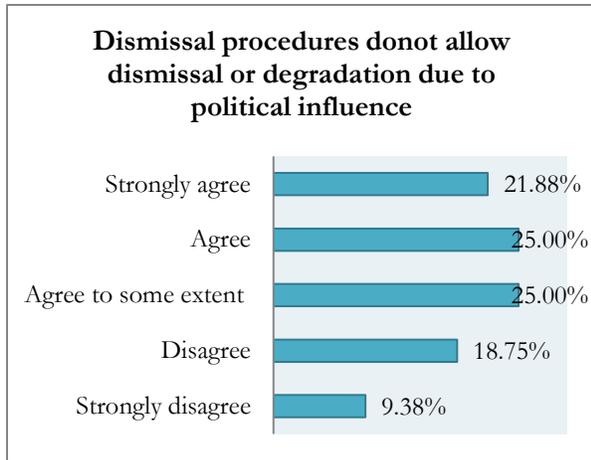
According to 55% of the respondents, in public data, there is a clear division between professional civil servants, ordinary employees and those with a contract on the offense. Meanwhile, about 19% of them stated that they disagreed with this statement.

Although there is a negative perception of staff recruitment in public administration, in the municipality of Drenas about 63% of respondents stated that public recruitment is done merely on merit and with equal competition. The percentage of respondents who disagreed with this claim is considerably smaller with only 15% of them.

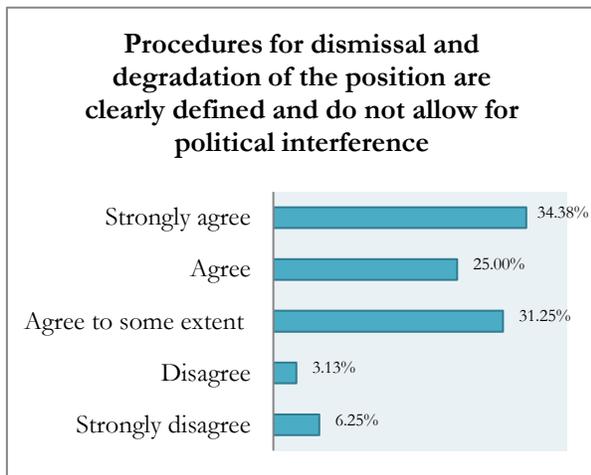


This result is reinforced by the answers given in the next questionnaire statement, where about 60% of respondents agreed with the assertion that vacancies and procedures ensure that the best candidate gets the job. 30% of respondents stated that they agree to some extent with this statement, while only 9% of them stated that they disagreed with this assertion.

Meanwhile, during the focus group opinions on this issue were different. It was a general conclusion of the majority present that in the previous local government in Drenas may have had no meritorious recruitment, but that practice was drastically eliminated with the arrival of Mayor Ramiz Lladrovci. For this, it was told that the official person who had been recruiting employees without respecting administrative recruitment procedures, but only on a personal or party affiliation was suspended. From the discussion it turned out that all the vacancies are published in the municipality and if it is not found by someone who asks for it, then the municipality gives responsibility. The latter has been verified since the website of the municipality of Drenas actually publishes all vacancies and results for the candidates. But other attendees did not fully agree with these conclusions, according to some attendees there were still a variety of recruits; meritorious and politicized.



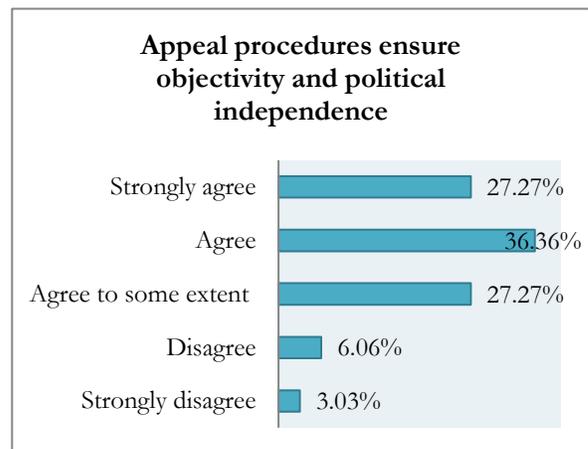
While 63% of respondents stated that they agree with the assertion that recruitment in this municipality is done based on meritocracy rather than on partisanship; the answer to whether there is any political influence on the eventual dismissal or degradation of the position of civil servants is less homogeneous. While 47% of respondents supported the assertion that dismissal procedures did not allow for dismissal or degradation due to political influence, 25% of respondents supported this statement to some extent, while 28% of respondents did not agree with this assertion.



But, to test this assessment again, we formulated the same assertion in other words and this time the results stand differently. About 59% of the respondents agreed with the assertion that the procedures for dismissal and degradation of the position are clearly defined and do not allow for political interference. While 31% have supported this assertion to some extent, only 9% of respondents have opposed this assertion, differently from percentage of respondents who opposed the assertion that dismissal procedures

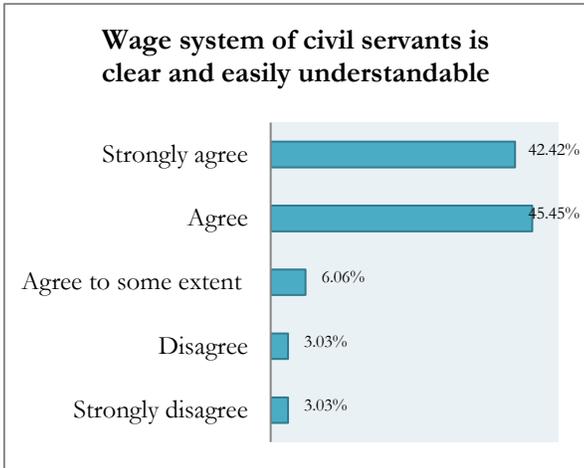
do not allow for removal or degradation due to political influence. Though the assertions were basically the same, we see a shift in their assessment.

Independent of political influence, respondents have also assessed appeals procedures (opposition to decisions). About 63% respondents agreed with the assertion that appeal procedures ensure objectivity and political independence. 27% of the correspondents agreed to some extent with this statement, while only 9% of the survey participants disagreed with this assertion.

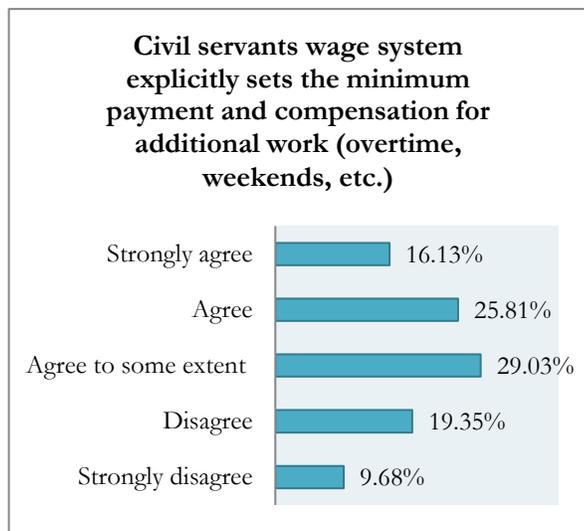


During the discussion of this issue in the focus group, as a general conclusion it emerged that there was no degradation of positions for civil servants for political reasons. According to the attendees, degradation takes place only through administrative procedures established by law. Meanwhile, during the restructuring of the public administration

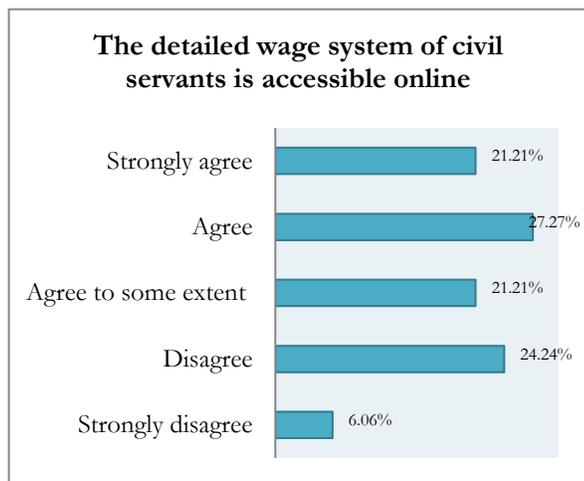
there is no expectation on degradation of any position because it is forbidden by law since even after the reform that the position should be of the same coefficient or higher. It should be noted that Drenas's priority in this respect is the relatively new government and the possibility for reform is much greater than in those municipalities run for several mandates by the same major.



Civil servants in the municipality of Drenas have assessed the civil servant wage system clear and easily understandable. About 87% of respondents agreed with this assertion, while only 6% of them disagreed with this assertion.

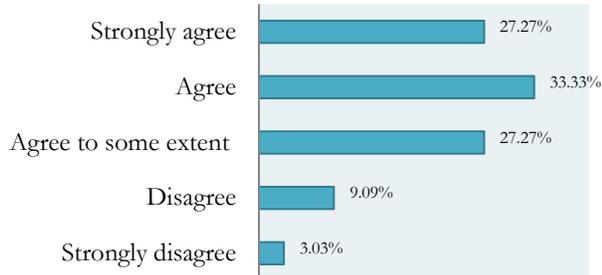


But even in this, responds have shifted when respondents are given to assess whether the civil servants wage system explicitly sets the minimum payment and compensation for additional work (overtime, weekends, etc.). Unlike 87% of respondents who in the previous statement assessed the civil servants salaries system easily understandable and clear; only 42% of them agreed that this wage system clearly foresees minimum payment and compensation for additional work. While 29% of respondents agreed with this statement to some extent, 29% of them did not agree with this statement.



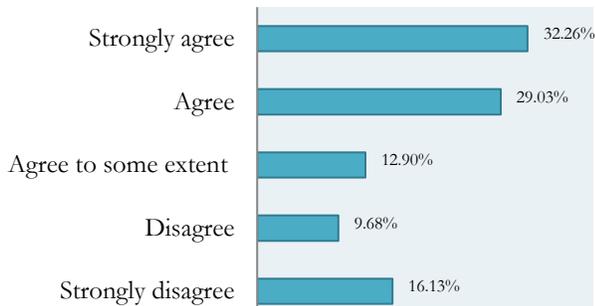
With regard to access to public data, according to about 48% of respondents, the detailed wage system for civil servants is accessible online. While 21% of respondents agreed to some extent with this statement, about 30% of them disagreed

Additional payments and compensations are regulated by law and do not exceed a certain percentage of basic wage



Similarly, about 60% of respondents agreed that additional payments and compensations are regulated by law and do not exceed a certain percentage of basic wage. 27% have agreed to some extent with this assertion. Thus, even in this assertion we have shifted assessments, as while 29% of respondents rejected the assertion that the civil servants wage system clearly foresees minimum payment and compensation for additional work; in this assessment only 12% of respondents have objected that these payments and compensation are regulated by law.

Position/job advancements reward work performance and do not favor individuals politically and personally



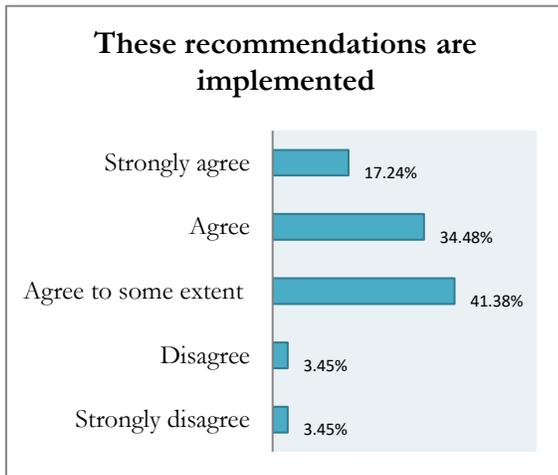
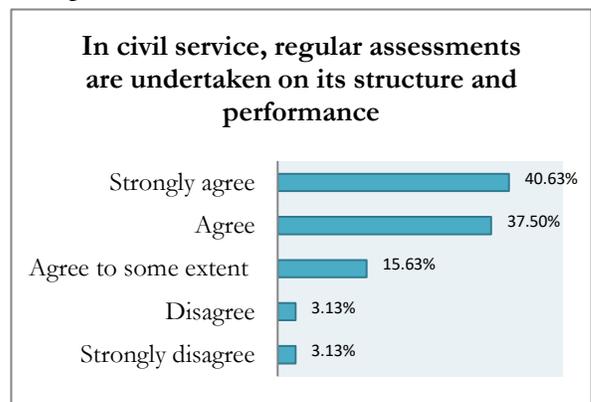
On the other hand, over half of respondents, respectively 61% of them, agreed with the assertion that job advancements reward work performance and do not favor individuals politically and personally. While circa 13% of respondents have agreed to some extent with this assertion, only 26% of them have objected.

Accountability

The principle of accountability of public institutions to taxpayers constitutes one of the key components of democratic governance. To fulfill this principle, the role of other social actors serving as watch-dogs of public interest is also very important. Accountability has been gratified even in the Constitution of the Republic of Kosovo, namely on the principle of functioning of public finances based on accountability, effectiveness, efficiency and transparency. Accountability, especially in the state-building process, means continuous improvement of the performance of public administration by taking responsibility.

In the accountability part of the monitoring process, respondents were asked to assess the work of external actors for increasing accountability. Therefore, respondents were asked to assess the role and activity of the media, non-governmental organizations, the People's Advocate, on how they help to improve the efficiency of public administration.

According to respondents in the public administration of Drenas, it does well with maintaining regular assessments of the administration structure and its performance. 78% of respondents agreed that these assessments are regular, while 16% have agreed to some extent. Meanwhile, only about 6% of the respondents disagreed with this assertion. The assessment has also



been similar during the first part of the questionnaire on whether the municipality draws up regular reports on the performance of the civil service.

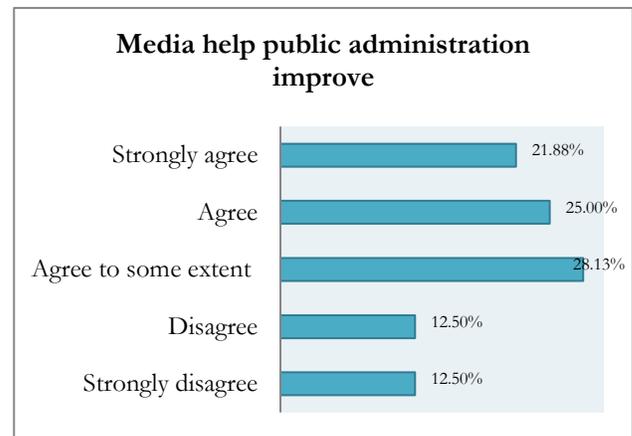
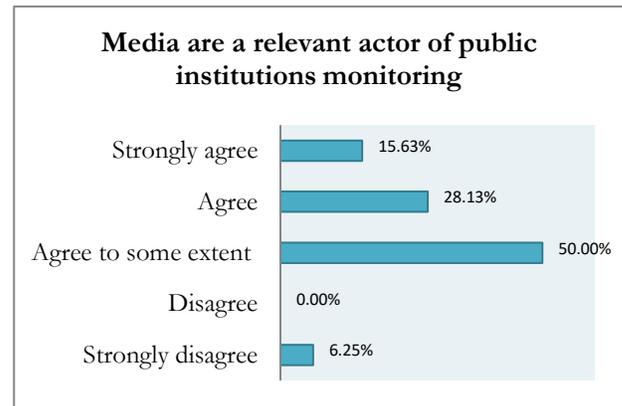
Also, about half of respondents have stated that the recommendations derived from these assessments are implemented. Whereas 51% of them agreed with this statement, 41% agreed to some extent. Meanwhile only about 7% did not assess this assertion as true.

Regarding other institutions that monitor the work of public administration; that of the Civil Service Supervisory Council and the People's Advocate are considered the most important, followed by non-governmental organizations and the media.

Regarding the media as a watchdog of public institutions, civil servants of the municipality of Drenas have positively assessed their role. About 44% of respondents agreed with the assertion that the media are a relevant actor of public institutions monitoring; while half of them have agreed to some extent. Only 6% of respondents disagreed with this assertion.

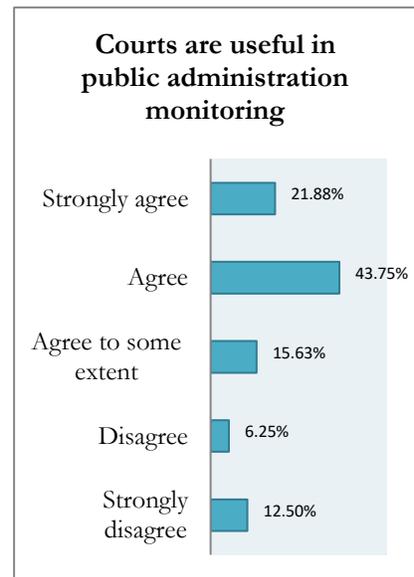
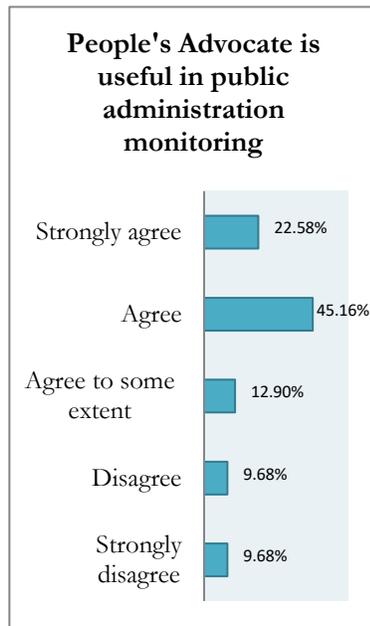
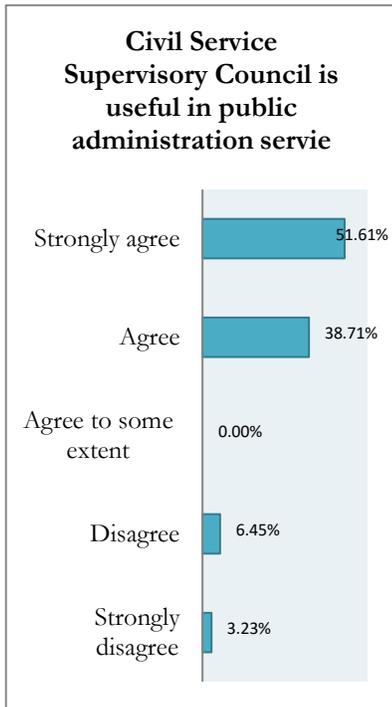
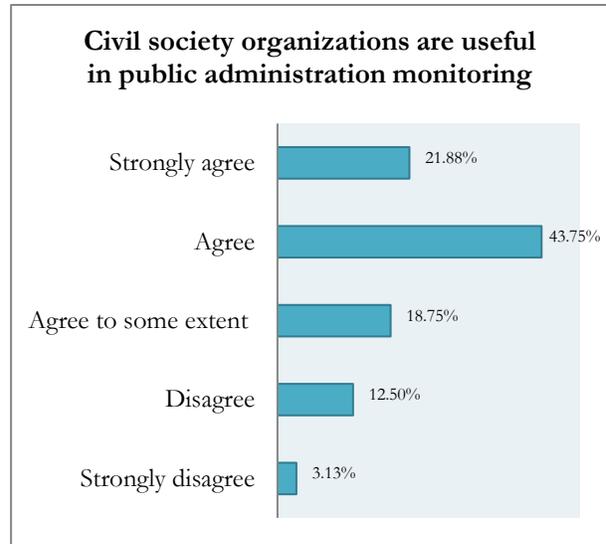
But 25% of respondents did not agree with the assertion that the media help public administration improve. While 47% of them have positively assessed media support in this regard. 28% of respondents agreed to some extent with this assertion.

At this point, it should be borne in mind that the media are very little focused on covering small municipalities of Kosovo. Most of them do not even have a correspondent outside Pristina. The only time when these municipalities get the attention of the media is when an event that cannot pass without coverage is happening. According to the conclusions of a round table organized by INDEP in December 2017, where was discussed about the Transparency of Municipalities; panelists expressed concerns about how Kosovo's municipalities are not monitored on a daily or weekly basis by the media, but only in exceptional cases. For this reason, the only source of information for these municipalities remains the Information Offices which are faced with extreme budget and staff constraints. As the Information Offices in these municipalities mostly play the role of the Public Relations Office, which create a good image of the municipality work; it is more than necessary for media to keep the municipalities under observation as to increase the efficiency of public administration.



Also, civil society organizations were considered useful in public administration monitoring by 66% of respondents. While over 18% of them have agreed to some extent with this assertion, only 15% have opposed this assertion. At this point, also, it should be mentioned that local non-governmental organizations are small in number and suffer from lack of donations which makes their activity more difficult

In this sense, the respondents also positively assessed the judicial system in supervising the work of the public administration, where about 66% considered it useful in this respect, while only 18% did not share the same assessment. The most important supervising body has been assessed to be the Civil Service Supervisory Council with 90% of respondents considering its role as very useful, followed by that of People's Advocate with 67% of respondents supporting the assesment of it being useful in this regard.



Other conclusions

a. Internal restructuring of public administration in Drenas

Another issue raised during the discussion among focus group participants was the restructuring of the public administration in Drenas. The new local government in Drenas is expected to make its restructuring based on the compliance of the position with professional background. The public administration of this municipality has so far functioned without having specialized staff for the respective department. In the absence of staff, civil servants were usually transferred from one department to another depending on the need and regardless of professional background. However, by the end of local elections in Drenas, after the Mayor Ramiz Lladrovci, he asked all civil servants to provide him details on their professional preparation. After collecting this data, the Mayor is expected to make internal restructuring of all civil servants in positions that match their professional preparation. However, although it will change civil servants' position, it will only shift on horizontal dimension as the same civil servant will pass to an equivalent position or will have a grading opportunity, but not degradation. This restructuring was expected to take place since January 2018. The speakers also discussed the possibility for this restructuring to provide for new jobs for qualified people.

Municipality of Drenas is undertaking an overall reclassification of all municipal public administration positions without degradation possibilities.

b. Transparency and accessibility in public documents

Kosovo's municipal websites are the same. Although the Municipality of Drenas has requested the Ministry of Public Administration (MPA) to allow other links to be placed on their website, such a request has not been accepted by MPA. One of the links that was requested to be incorporated into this site was that through which the list of all the Presidents of the Municipality of Drenas would be included and a brief history of their governance throughout the period when they led the municipality. Similarly, it was also requested that the database of all school directors in the municipality of Drenas be presented. This database of directors would include their professional training and other related information such as e-mail addresses, contact numbers, etc. This would facilitate the work of various international investors in the field of education in Drenas who want to get in touch with school directors. Neither this request has been accepted by MPA. The municipal websites are under restructuring, however the Information Office of the municipality of Drenas has expressed dissatisfaction with the restrictions imposed by the current site. They have addressed their complaints to the relevant officials so as not to use the template given to each municipality since any website should be designed in accordance with the requirements and priorities of the respective municipality,

The official website template imposed by the Ministry of Public Administration was assessed as restrictive to achieve transparency.

so the Drenas municipality has requested not to use this website template, but to change it according to the needs of the municipality. Another disadvantage regarding this issue lies in the absence of a special budget for the Information Office in this municipality. It is financed by the Mayor's budget and as such is very limited, unlike the larger municipalities in Kosovo.

Meanwhile, the practice of the municipality of Drenas consists in publishing the decisions taken by the Mayor for social assistance, but publishes only the title of the decisions rather than the decision as a whole. This is for personal data protection. However, interested citizens can always apply for access to public documents and the municipality invites over the citizen to see the decision or give a copy of the decision with some restrictions. Meanwhile, regarding other decisions taken by the Mayor, they are also published on the municipal website. Job vacancies and outcomes are also public on the site.

c) Citizens' requests and complaints management

Citizens' requests are accepted by the Public Services Department, which, according to the legal deadline, should proceed them to a period of two weeks. A response to citizens' requests for some issues also depended on budget constraints. Meanwhile, from the villages the requests are received through village representatives or public hearings with the Mayor. However, requests/complaints are also accepted by individuals, even if not formally. Sometimes, it happens that the municipality accepts a citizen's request/complaint indirectly by posting it on social networks or direct communication with municipal officials in these networks. Although there is no formal template for the formulation of a request/complaint and they are written without any particular format, citizens can be assisted by the relevant persons in the municipality to write and file it. However, it was concluded from the discussion that the citizens of Drenas did not sufficiently use the right of complaint and information either for a rejection to a job vacancy or for failing to get of a scholarship. The citizens of Drenas, according to the opinion of speakers, prefer to be informed informally by officials why they were rejected in a competition rather than to use the possibility of complaint in the municipality.

Conclusions and recommendations

The municipality should establish more accountability mechanisms that need more sustainability. Although in Drenas it was a general conclusion that there has been improvement of public services in the last year, it is necessary to establish sustainable mechanisms for improving the situation. Such mechanisms would also facilitate the process of monitoring progress in public administration reform and would provide more transparency in identifying problems and finding better solutions.

Regarding public service and human resource management, monitoring found that in the Municipality of Drenas there is an increasing progress in the human resource management area. It was also a conclusion derived from participants of the survey and focus group that the process of identifying the internal qualifications of public administration employees is a positive step in terms of a better management of human resources within the municipality.

Regarding the recruitment process, the results derived were expected. Survey results found that the majority of municipal employees stated that the recruitment of human sources in the municipality is based merely on meritocracy. They also stated that there is a clear system of wages, bonuses, performance assessment, and so on. However, when the same questions were put forward in the focus group, the participants did not declare the same thing. In the focus group, terms such as employment based on party affiliation, family, were mentioned at some extent. Monitoring highlighted that other social groups as civil society activists and young people have a more critical eye on recruitment, accountability and human resources performance within the municipality.

As far as external monitoring bodies are concerned, the media have been regarded as very useful in improving the effectiveness of public administration. Bearing in mind the scarce attention that small municipalities receive from the national media; the municipality should develop local media promotion programs in monitoring municipal processes and engagements. More interaction between municipal bodies and local media is necessary to build mutual trust and cooperation in the future. Similarly assessed were other mechanisms such as the courts, the ombudsman, civil society, etc.

A conclusion derived from focus group discussion was that the lack of transparency comes as a result of the lack of adequate tools to achieve it. The municipal website template imposed by the Ministry of Public Administration is estimated to be restrictive and to not provide sufficient space for achieving transparency, accountability and inclusiveness in the policy-making process. Thus, the municipality should look at alternative ways of creating an alternative platform if only by using more social networks and different applications.

As per management of citizens' requests and complaints, it was assessed that the municipality respects the legal deadlines in addressing the requests but lacks a wider civic participation. The municipality should develop a strategy to increase citizen participation in decision-making and encourage citizens to use their right of request and complaint.