

CHALLENGES OF LOCAL GOVERNMENT UNITS IN THE FIGHT AGAINST CORRUPTION

*An Assessment of the Anti-Corruption
System in 20 Municipalities of Albania*



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Introduction

Challenges at fighting corruption at local level should include all societal players and, in this context, the engagement of civil society organizations (CSOs) in anti-corruption initiatives remains a powerful tool to invigorate such efforts under a participatory approach.

CIVILISC- Aims to improve the capacities and the role of civil society at promoting good governance and fight against corruption at local level under a participatory approach.

Municipalities targeted in the project:

Klos	Prenjas
Memaliaj	Librazhd
Ura Vajgurore	Maliq
Cërrik	Lushnja
Gramsh	Shijak
Divjaka	Belsh
Tepelena	Vora
Libohova	Bulqiza
Devoll	Vau i Dejës
Selenica	Has

The fight against corruption is one of the five key priorities identified by the European Commission as a condition for the opening Albania's accession negotiations.

Over the past two years, Albania has reviewed and adopted a number of legal and policy measures related to the fight against corruption and the organization and functioning of local governance.

The Crosscutting Anti-Corruption Strategy 2015-2020¹ and its Action Plan foresee a set of actions aiming to strengthen the role of the civil society and increase the participation and cooperation of citizens therein.

This material is an outline of the assessment report “Challenges of local government units in the fight against corruption”, which aims to assess the current anti-corruption instruments established from local government units and the needs and engagement of local civil society at improving good-governance.

This report sheds light on challenges of local government units and local civil society in the fight against corruption. It comes to certain conclusions on legal environment of the fight against corruption, level of anti-corruption instruments established by LGUs to fight corruption at local level and level of preparedness of local civil society organisations to act in their local community for improving good governance. The main findings show that local government units have not adopted the majority of the anti-corruption measures derived from the legislative framework. Additionally, they do not have enough professional capacities to exercise their authority and enforce the applicable legislation.

Recommendations and conclusions of the assessment underline that small/ medium municipalities need to increase their capacities and establish the appropriate instruments at preventing and fighting corruption. On the other side, when speaking of needs and challenges confronting the civil society organizations operating in small/medium municipalities, the most immediate need is the increase of capacities of the organizations with regard to their own mission and expertise on good governance. This challenging environment in frame of preventing and fighting corruption calls for sustainable collaboration and communication between local government institutions and local civil society. Furthermore, joint activities undertaken from both local actors should be established.

LOCAL SELFGOVERNMENT IN ALBANIA, *Policies, Regulatory Framework and Structures of the Fight against Corruption*

This section offers a general assessment of local self-governments in Albania and, more specifically, of their policies, regulatory frameworks and structures for the fight against corruption, as provided for by the Law on Local Self-Governance. Local governance emanates from the Constitution,¹⁶ which regulates and sets forth the principles and tiers of local governance, specifies their rights and powers, and stipulates the functions of their representative bodies.

Several strategic documents have formulated policies, set targets, goals, and measures in framework of the fight against corruption as above:

The Crosscutting Anti-Corruption Strategy 2015-2020 and its Action Plan set the major goals to prevent, punish, and raise awareness about corruption. Within its preventive approach, this strategy includes several objectives, which essentially are in line with the goals and objectives of local self-government itself. Regarding the role of civil society, this strategy highlights that “it is very important to include the civil society stakeholders in the drafting process as well as to allow it to monitor the application of the government’s anticorruption measures.”

The Crosscutting Strategy for Decentralization and Local Governance 2015-2020 represents the government’s vision to strengthen local governance and democracy as well as enhance the decentralization process.

The Resolution on Recognition and Strengthening the Role of Civil Society in the Process of Democratic Development of the Country appreciates “the contribution of civil society in terms of respecting and promoting freedom and human rights, strengthening the rule of law and a fair, open and democratic elections in our

country...” and engages in “the promotion and support initiatives aimed at strengthening and promoting cooperation between civil society and public institutions, in particular with local governments, encouraging to develop dialogue, trust and a constructive climate between them.”

The organization and functioning of public institutions, including local self-government are regulated by a set of regulations and relevant structures established to execute the above mentioned principles regarding good-governance and fight against corruption.

European Charter of Local Self-Government has an important place in the domestic law and serves as a model for the implementation of European norms and standards into domestic legislation. The Charter set out that self-efficiency is essential for democracy and appreciates “the right of citizens to participate in the conduct of public affairs is part of the democratic principles common to all member states of the Council of Europe

Code of good practice for citizen participation in decision-making processes is an important document which defines general principles, guidelines, tools, and mechanisms for citizens’ participation. Albania has not adopted a manual for the implementation of the code of good practice at local level. Albania has ratified two international conventions: The United Nation Convention against Corruption” and Civil Convention “On Corruption”.

National legislation

Law “On Local Self-Government” regulates the organization and functioning of local self-government units in Albania.

The Law “On the Right to Information” guarantees public's understanding of the information, in the framework of exercising individual's rights and freedoms in practice, and forming views on the state and the society, fostering integrity, transparency and accountability of public authorities.

The Law “On Notification and Public Consultation” defines the rules to ensure transparency and public participation in policy and decision making processes.

Also, it aims to promote transparency, accountability and integrity of public authorities.

The Law “On Cooperation of the Public in the Fight against Corruption” seeks to promote public participation to report corruption, protect and promote people who report corruption practices from public authorities (including self-government authority). The law determines the rules and procedures for reporting and recording of corrupt practices.

ANTI-CORRUPTION INSTRUMENTS OF LOCAL GOVERNMENT UNITS

The main findings show that local government units have not adopted the majority of the anti-corruption measures derived from the legislative framework. Respondents from the municipalities highlighted their commitment to establish these instruments/measures in the near future. Furthermore, they justified the lack of these instruments with the short time of the establishment and the changes in the organization and functioning triggered by the administrative-territorial reform and the decentralization reform.

Program of Transparency: The information obtained from 20 municipalities shows that the program of transparency is adopted by 5 out of 20 municipalities (Municipalities of: Ura Vajgurore; Shijak,38 Cerrik,39 Librazhd,40 and Vorë41). Respondents from municipalities which already have approved the program stated that the process for adopting the transparency program was carried out without the participation of civil society organizations. The Program of Transparency is not adopted by municipalities of Bulqize, Klos, Belsh, Gramsh, Prrenjas, Lushnje, Divjake, Libohove, Tepelene, Memaliaj, Maliq, Devoll, Has, Vau i Dejës, and Selenice)

Coordinator (Office or Person) for Transparency/Right to Information: Regarding the appointment of a coordinator (office or person) for transparency and right to information, 17 out of 20 municipalities provided a positive answer (Municipalities of Ura Vajgurore, Bulqize, Shijak, Cerrik,42 Gramsh, Librazhd, Prrenjas, Lushnje, Divjake Libohove, Tepelene43, Memaliaj,44 Devoll, Has, Vau i Dejes, Vore45 and Selenice). A considerable number of municipalities have assigned the function of the coordinator for transparency/right to information to the specialist/office of public relations (Municipalities of Bulqize, Shijak, Tepelene, Memaliaj). In other municipalities, this position is performed by other public officers working in the municipality, such as the lawyer of the municipality (Municipality of Shijak) or as an added function to the Deputy Mayor of the municipality (Municipality of Has). Due to lack of the official websites, the contact information of the coordinator for transparency/right to information is missing in the majority all municipalities targeted in the project, except for the Municipality of Vore.

Electronic Register for Public Notifications/Consultations: None of the municipalities have established an electronic register for public notifications and consultations. Some of the municipalities stated that they were in process of preparing it (Municipalities of Ura Vajgurore, Klos, Cerrik, Prrenjas, Libohove, Selenice, and Vore). Some LGUs have adopted other tools for notification and public consultations such as by:

- Publishing notifications in public places of the municipality or through the notifications in local media (i.e. Municipalities of Klos, Cerrik and Memaliaj),
- Using e-mail as a communication tool (Municipality of Belsh),
- Dissemination of notifications (Municipality of Divjake),
- Public hearings (Municipalities of Ura Vajgurore and Memaliaj).

The preparation of the electronic register is a process closely related with the municipality's website, which is missing roughly in all the municipalities targeted by the project, excluding the municipalities of Lushnje and Vore.

Coordinator for Public Notification/Consultation: 10 out of 20 municipalities have answered positively regarding the position of a coordinator for notification and public consultation within the administrative structure of the municipality (Municipalities of Ura Vajgurore, Bulqize, Klos, Cerrik,49 Gramsh, Prrenjas, Lushnje, Memaliaj,50 Vau i Dejes, and Vore).

As in the case of the coordinator for transparency/right to information, the coordinator for public notification/consultation is often considered similar or performed by the specialist/office for public relations (i.e. Municipalities of Bulqize, Gramsh, Lushnje, and Memaliaj).

Consequently, it must be noted that in these cases the specialist of public relations is responsible for the positions of two coordinators: that for transparency/ right to information and that for public notification/consultation. In other cases, the function of the coordinator for public notification/consultation is performed by other staff members, i.e.: the responsible persons for this position in the municipality Klos are the Deputy Mayor and the Secretary of Municipal Council.

The municipalities which have not appointment a coordinator for public notification/consultation are: Shijak, Belsh, Librazhd, Divjake, Libohove, Tepelene, Maliq, Devoll, Has, and Selenice.

Regulation to report cases of corruption: 2 out of 20 municipalities have incorporated rules on the registration, documentation, assessment and delegation of the reported cases of corruption within their internal regulation of the municipality (Tepelene, Klos). Municipality of Ura Vajgurore has established a toll-free number (08007161), which seeks to encourage citizens to report cases of corruption encountered with municipality's administration. Other 18 municipalities do not have a specific regulation for reporting cases of corruption. In addition, the municipalities of Divjake, Memaliaj, Bulqiza, Cerrik, and Vore are in the course drafting such regulation.

Regulation for Administrative Violations: Each municipality should establish regulations and set sanctions for administrative violations. Such regulations should draw up rules and procedures for the notification, examination and reporting of administrative shortcomings, discrepancies and violations that create ground for corruption, fraud or irregularity. Eight out of 20 targeted municipalities (Municipalities of URA Vajgurore, Klos, Cerrik, Gramsh, Prrenjas, Divjake, Tepelene, and Vore) have taken measures to adopt these rules within their internal regulation. Other 12 municipalities (Municipalities of Bulqize, Shijak, Belsh, Librazhd, Lushnje, Libohova, Memaliaj, Maliq, Devoll, Has, Vau i Dejes, and Selenice) questioned in the framework of this report has answered negatively about the existence of this regulation.

Strategy on Internal Risk Management: Local government units should design their own strategy for Risk Management and update it at least triennially. This strategy should be drafted by the coordinator for risk management or another authorized officer of the local government unit. The Ministry of Finance has published the manual for Financial and Control Management and relevant templates assisting public institutions for the preparation of the strategy. Only 8 out of 20 municipalities interviewed for this report stated to have adopted such a strategy. These municipalities include Ura Vajgurore, Cerrik, Prrenjas, Lushnje, Divjake, Has, Vore, and Selenice.

Norms for Civic Engagement: Norms of civic engagement which regulate the procedure of submission, review and approval of the

citizens' engagement are defined in the Law "On Local Self-Government". Fourteen out of 20 municipalities have adopted such norms within the internal regulation of the municipality (Municipalities of Ura Vajgurore, Bulqize, Klos, Cerrik, Gramsh, Prrenjas, Lushnje, Divjake, Libohove, Devoll, Has, Vau i Dejes, Vore, and Selenice). On the other hand, the municipalities of Shijak, Belsh, Librazhd, Tepelene, Memaliaj and Maliq have not adopted these norms yet.

Code of Ethics/Conduct: The municipalities were asked about the existence of the Code of Ethics/Conduct for both municipal council and administration. Fourteen out of 20 municipalities confirmed to have a code of ethics/conduct in place. Out of these municipalities:

- The Municipality of Ura Vajgurore has adopted an ethics code for both municipal council and administration,
- The municipalities of Librazhd, Prrenjas, and Tepelene have included this code in their internal regulation,
- The municipalities of Belsh 52 and Lushnje have adopted the Code of Ethics only for the administration but not for the municipal council.

Five out of 20 municipalities⁵³ did not provide such a code (Municipalities of Shijak, Cerrik, Memaliaj, Maliq, Has).

Anti-Corruption Strategy: None of 20 municipalities in the project have approved such a Strategy. The municipalities of Bulqize, Cerrik, and Vore responded that they were in the process of drafting the Anti-Corruption Strategy.

Internal rules for regular data collection on risk of corruption: 2 out of 20 municipalities have internal rules for regular data collection on corruption risks (Municipalities of Gramsh and Prrenjas⁵⁴). Eighteen out of 20 municipalities (Ura Vajgurore, Bulqize, Klos, Shijak, Cerrik, Belsh, Librazhd, Lushnje, Divjake, Libohove, Tepelene, Memaliaj, Maliq, Devoll, Has, Vau i Dejes, Vore, and Selenice) do not have internal rules for regular data gathering about corruption risks at local level. In addition, they did not follow a system of indicators for monitoring corruption risks. The same municipalities did not provide guidelines/manuals/trainings on this issue except for the municipalities of Gramsh, Divjake, and Prrenjas.

These municipalities use other forms for data gathering about corruption including:

- Reporting corruption cases at municipality offices (Municipality of Belsh),
- Formulation and incorporation of specific statements within respective internal regulation (Municipality of Prrenjas),

- Use of in other legal acts as handbooks of the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests (Municipality of Memaliaj),
- Internal audit (Municipality of Has),
- Undertaking the process of adopting such rules (Municipality of Vore)

Whistleblowers' protection rules: 18 out of 20 targeted municipalities (Ura Vajgurore, Bulqize, Klos, Shijak, Cerrik, Belsh, Gramsh, Librazhd, Lushnje, Libohove, Tepelene, Memaliaj, Maliq, Devoll, Has, Vau i Dejes, Vore, and Selenice) have not adopted rules on the protection of whistleblowers and two of these municipalities (Municipalities of Bulqize and Vore) declared that they were in the process of adopting these measures based on the respective legislation. The municipalities of Prrrenjas and Divjake did not answer this question.

LEVEL OF ACTIVENESS AND PREPAREDNESS OF LOCAL CIVIL SOCIETY ORGANIZATIONS IN THE FIGHT AGAINST CORRUPTION

The active participation of civil society in good governance at local level in Albania remains a challenge. This section aims to outline the current status concerning collaboration between local government units in Albania and CSOs acting at local level. Additionally, it seeks to identify potential obstacles and opportunities to an active and effective contribution of local civil society at promoting integrity and fighting corruption in 20 small/medium municipalities of the country.

Low level of active participation is noted in small/medium municipalities. Respondents of focus groups stated that this level gave path to lack of trust of interest groups or community at large towards local CSOs. Moreover, this built up “apathy” among CSOs to operate and undertake initiatives especially those related to local governance and anti-corruption. Most CSOs responded that their work was project-based and forced

to expand the focus of their mission and areas of their actions. They were prompted toward anti-corruption and good-governance

Obstacles of CSOs at local level

- Lack of organizational and development capacities
- Lack of funding and sustainability
- Lack of motivation
- Lack of collaboration between CSOs and LGUs

actions by interest from international and local donor organizations providing funding for projects in the field. CSOs demonstrated basic concepts of good-governance and had basic information about their right to participate in the municipal council meetings as a result of actions and awareness raising campaigns enabled from infrequent projects in the past.

Some recommendation gained from CSOs on actions that will serve at increasing information among citizens and will facilitate communication between citizens and LGUs:

- Participation in the municipal council meetings
- Delivery of trainings to local administration on transparency, accountability and integrity
- Organisation of informational and discussion meetings with citizens especially among youth/ student of high schools
- Publication in advance of the working agenda of municipal council meetings and online broadcasting at local media (radio or TV). This will increase information among citizens and will serve as a non-repressive measure
- Awareness raising campaigns (using flyers, posters, videos) aiming to increase understanding and responsibility among citizens regarding their role in good governance through public awareness actions
- Preparation of questionnaires or evidence based studies and design of relevant recommendations to be presented to the Municipal Council.

Representatives of CSOS underlines that cooperation between LGUs was crucial to the sustainability and future of the civil

society sector and to the development of society in general. CSOs believed that lack of professional capacity and lack of interest were the main reasons that led to this low level of collaboration. Efforts and actions in this regard by the municipalities must be developed through an open and inclusive approach. Hence, LGUs and CSOs need to put more efforts on developing joint action plans and advance their cooperation by building communication bridges with other actors, such as media and local community as a whole.

PERCEPTION OF TRAINING NEEDS BY SECTORS

Besides their low level of participation in good governance and decision-making, representatives of CSOs were able to assess and observe the needs of specific sectors within local government institutions in terms of capacities and risk of corruption. Respondents deemed that the sectors within the local institutions which immediately need to be trained about the legislative framework for anti-corruption and local government include:

- Urban Planning Office
- Office for Public Relations and Information
- Office of Agriculture
- Public service utilities
- Finance office
- IT office to increase transparency and dissemination of information on the activity of the municipality
- Procurement office

- Social insurance office

LOCAL CIVIL SOCIETY ORGANIZATIONS AND LOCAL GOVERNMENT UNITS TOWARDS A COMMON APPROACH

This report aims to identify the level of commitment from both CSOs and LGUs towards a positive collaboration and draw recommendations from both actors for future interventions. Respondents from 20 municipalities showed commitment to cooperate with local civil society organization in the CIVILISC Project and other initiatives. Training remains one of the most important areas of intervention which LGUs considered help the most for CSOs to fight corruption. This very statement was highlighted by CSOs respondents regarding the administration of the local government institutions

Areas in which assistance to civil society organization would be provided (in the form of training or other) in order to increase their capacities to improve good governance and integrity in local government institutions.

Ngritja e kapaciteteve njerëzore	Teknologjia e Informacionit (IT)	Informacioni & transparenca	Reportimi i rasteve të korrupsionit
Buxhetimi me Pjesëmarrje	Trajnimet mbi legjisllacionin mbi anti-korrupsionin	Dhuna në familje	Shërbimet Publike
Zhvillimi Ekonomik	Mbrojtja e Mjedisit	Planifikimi Urban	Rrjetëzimi, advokacia & monitorimi

CONCLUSIONS AND RECOMMENDATIONS

This report came to certain conclusions on legal environment of the fight against corruption, level of anti-corruption instruments established by LGUs to fight corruption at local level and level of preparedness of local civil society organisations to act in their local community for improving good governance.

The analysis of policies, regulatory framework and structures enables a positive setting regarding the fight against corruption at national and local level. However, enforcement of the current legislation remains a challenge, particularly regarding the establishment of specific control mechanisms to curb corruption and improve civic engagement at municipal level.

Small/medium municipalities, particularly the newly-established ones, are still in the process of reorganization following the new territorial reform and the strategy of decentralization. Hence, the fight against corruption is considered a challenge in terms of setting up a control system for anti-corruption and establishment of a professional administration. Local CSOs in small/medium organisations are very few or inexistent. The existing local civil society organizations confront difficulties related with their organizational and human capacities. Nevertheless, funding remains their main concern, which limits the frequency of CSOs' activity and "command" the focus of their interventions. However, apart from the obstacles and challenges they face in their respective municipality, local CSOs should focus on the fight against corruption, increase their knowledge and capacities in monitoring and raising awareness on good governance.

Key findings of this report regarding the efforts of LGUs to fight against corruption conclude that local government institutions do not have enough professional capacities to exercise their authority and enforce the applicable legislation. Consequently, LGUs, especially specific sectors within the municipality, should increase transparency, efficiency, and comprehensiveness. On the other side, civic engagement in the fight against corruption is a necessity and needs to be improved. CSOs need to focus their activities toward monitoring the progress in implementation of anti-corruption measures by their local government.

This report recommends that:

- Local government units should strengthen their administrative capacities through capacity building trainings on local governance and anti-corruption issues and increase their knowledge regarding the current legislation.
- Local government units targeted in this report should increase transparency by taking concrete actions as defined in relevant legislations, such as :

Establish concrete instruments to prevent, control and record corruption.

- Approve regulation for reporting cases of corruption
- Establish strategy for Anti-Corruption
- Implement their own performance management systems
- Establish internal rules for track data on corruption cases
- Set rules and procedures for notification, review, disclosure and reporting administrative weaknesses, inconsistencies and violations that create ground for corruption, fraud, or irregularity
- Establish website as a tool for transparency, accountability and will increase and facilitate information to citizens
- Adopt the Transparency Program and appoint a Coordinator of Transparency who should guarantee the right to information
- Appoint a Coordinator on Notification and Public Consultation to guarantee the right of notification and public consultation

Local actors and local civil society organisation should be aware about their essential role within the local democracy as key players at improving good-governance, civic participation and development of local government. Hence, CSOs should:

- Reinforce their identity and capacities at local level
- Amplify communication with citizens/group of interest and develop local action plans
- Increase and strengthen cooperation with local government units
- Support and facilitate civic initiatives which aim to increase transparency and accountability of local government.
- CSOs should increase their financial and professional capacities through trainings, networking with other CSOs acting at national and regional level.
- Local governance can be improved by the interaction of public and non-public actors at local level.
- Institutional capacity building of the municipality at improving transparency and preventing corruption must be linked with the commitment and the monitoring role of local civil society.

Actually in Albania, local civil society organisations are “apathic” or inexistent, particularly in the municipalities targeted in this project. Furthermore, local civil society faces lack of financial support by the donors. Hence, priority should be given to the identification of local civil society actors and transforming them into active players. Council of the Municipality and the Mayor should facilitate and guarantee civic participation in local governance by establishing an enabled environment for civic actors at monitoring the activity of the municipality. These should be the appropriate mechanisms to ensure democracy and increase sustainable development at local level.

