



MONITORING REPORT

OPEN LOCAL GOVERNANCE FOR ACTIVE AND INFORMED CITIZENS

VIOREL PARVAN



SEPTEMBER 2016



www.viitorul.org

The Institute for Development and Social Initiatives (IDIS) „Viitorul”

MONITORING REPORT

OPEN LOCAL GOVERNANCE FOR ACTIVE AND INFORMED CITIZENS

Viorel Parvan



The Report is a product of the initiative „Transparent, financially healthy and competitive local governments in Moldova”, which is implemented by the Institute for Economic and Social Reforms in Slovakia (INEKO), in partnership with IDIS „Viitorul” with the financial support of the Official Development Assistance of the Slovak Republic (SlovakAid) and the USA Embassy in Moldova. The initiative aims to increase the transparency, financial accountability, and competitiveness of local authorities in Moldova.



Institute for Development and Social Initiatives (IDIS) „Viitorul” is a successor of the “Viitorul” Foundation’s, and keeps the traditions, objectives and principles of the foundation, including: building democratic institutions and developing a spirit of responsibility effective among politicians, civil servants and citizens of our country, strengthening civil society and criticism, promoting the rights and values of an open, modern and proEuropean society. IDIS „Viitorul” is a research, education and outreach organization which activates in the field of economic analysis, governance, law, political sciences, strategic and organizational science.



Institute for Economic and Social Reforms (INEKO) is a Slovak nongovernmental nonprofit organization established in support of economic and social reforms which aim to remove barriers to the long-term positive development of the Slovak economy and society.

Any use of excerpts or opinions of this study authors should contain a reference to IDIS „Viitorul”.

For more information on this publication or subscription to IDIS publications, please contact Media and Public Communication Service of IDIS „Viitorul”.

CONTACT ADDRESS:

10/1 Iacob Hincu str., Chisinau, MD-2005 Republic of Moldova

Tel.: (37322) 21 09 32

Fax: (37322) 24 57 14

www.viitorul.org

Cover graphic element: Designed by Onlyyouqj / Freepik



TABLE OF CONTENTS

INTRODUCTION7

I. EXECUTIVE SUMMARY8

II. NATIONAL LEGAL FRAMEWORK9

III. MONITORING REPORT SCOPE AND METHODOLOGY11

 1. Data collection and analysis11

 2. Transparency criteria and scoring11

 3. Ranking and Categories12

 4. Transparency ranking top for 50 cities (municipalities) and villages (townships)12

IV. EVALUATION OF TRANSPARENCY CRITERIA – FINDINGS14

 1. Access to information14

 2. Participation in the decision-making process15

 3. Public procurement16

 4. Public Property Management17

 5. Budgeting18

 6. Human resources18

 7. Professional ethics and conflict of interest19

 8. Social services19

 9. Investments, municipal agencies and participation in private sector companies20

V. CONCLUSIONS AND RECOMMENDATIONS22

INTRODUCTION

One of the fundamental principles of a constitutional state supposes keeping the citizens informed about all public affairs and their participation in the decision-making process. This principle should be respected by a fully transparent local or central administration.

The importance of transparency in public administration activity lies in the following:

- contributes to the reduction of corruption and of the malfunctioning of public administration where all interested citizens, businesses, civil society organizations or any other counterparts may monitor its activity;
- increases citizens' trust in the act of government and all adopted authority decisions;
- improves the communication process between citizens and public administration;
- contributes to public authority efficiency and responsibility;
- as a result, leads to a constitutional state's growth and maturity.

According to the Open Government Index Report for 2015, developed by the World Justice Project¹, out of 102 countries all over the world, the Republic of Moldova ranks 46th, with a score of 0.55 when

speaking about governance openness. The same report states that only 44% of the population of Moldova knows about the existence of laws that guarantee access to public information held by public administration authorities.

This Report aims to determine **transparency levels** in local public administration activities through the monitoring of 50 Level 1 territorial administrative units from the Republic of Moldova. **In order to establish the ranking concerning local governance openness to citizens**, 38 cities (municipalities) and 12 of the biggest villages (townships) were monitored.

The research utilized a quantitative approach based on a sociological questionnaire addressed to Level 1 local public administrations and on these same local public administrations' official web pages evaluation, and on various other sources of information (<http://tender.gov.md/>, <http://cni.md/>, <http://actelocale.md/>, etc.).

The local administration representatives and their elected and nominated employees must consider this ranking as an appreciation of their work, as well as a motivation for an improvement in their efforts to act transparently in order to provide qualitative information. These efforts should be recognized as a significant contribution to local economy development and improvement of these local communities' citizens' quality life.

¹ WJP Open Government Index™ 2015: <http://worldjusticeproject.org/open-government-index>

I. EXECUTIVE SUMMARY

Top three transparent local public administrations

| LOCALITIES | | TOTAL SCORE |
|------------|----------|-------------|
| I | Cimislia | 54,0 |
| II | Chisinau | 53,0 |
| III | Cahul | 49,8 |

Top three conclusions and recommendations

| CONCLUSIONS | RECOMMENDATIONS |
|---|---|
| <p>1 Up until the present, there are localities which do not have official webpages that reflect the local public administration's activity and inform the citizens about public affairs (seven of 50 evaluated localities do not have a webpage). The absence of this instrument, or the misuse of it, leads to a mitigation of the transparency levels of Local Public Administration (LPA) activity.</p> | <p>We would like to emphasize the importance and necessity of having an access to a webpage. The webpages must work as an efficient instrument for the dissemination of public information for the LPAs.</p> |
| <p>2 Local Public Administration authorities draft decisions/provisions, including budget planning and the revision of it, are not always under public awareness and decision-making. That is why the placement of announcements on local information stands, concerning the organization of public consultations, is not fully ensuring the participation of all the counterparts in the decision-making process. In 2015, 20 localities (44.4%) did not publicly inform citizens about draft projects/provisions and all associated documents prior to public authorities meetings. Only five localities respected all the requirements (11.1%), while ten (22.2%) informed citizens about public consultations and budget planning for 2016, with three of them also informing citizens about public consultations and budget revisions for 2014-2015.</p> | <p>Each draft decision /provision must go through a mandatory public consultation procedure by publishing an announcement on the LPA webpage about the initiation process.</p> |
| <p>3 Local administration does not consider it necessary to publish information about public procurements. Only 37.8% of localities (17) partially shared this information; 14 shared the results of public procurements, 31.1% partially shared this information, and only one locality has shared 100% of all information for 2015.</p> | <p>Local administration must ensure transparency for all stages of public procurement, including the publishing of procurement contracts, in order for all interested citizens to have the opportunity to monitor their performance.</p> |

II. NATIONAL LEGAL FRAMEWORK

The Republic of Moldova Constitution, Art. 34, establishes the right to access to information, which represents the background for public authorities' activity transparency. Thereby, according to constitutional provisions, the right of a person to any public interest information cannot be restricted and public authorities, according to their responsibilities, are obliged to correctly inform citizens about all public affairs. Art. 39 of the Constitution of the Republic of Moldova also guarantees the right of citizens to participate in the administration of public affairs as well as their representatives.

The Republic of Moldova has undertaken various legislative, normative and institutional measures oriented towards building an efficient transparency system, ensuring access to public information and involving civil society in the decision-making process at any level (CPA or LPA).

- **Law No. 982 of 11.05.2000 concerning the access to information** states that public authorities are obliged to: ensure active, correct and timely information for citizens concerning public interest matters; guarantee free access to information; publish all adopted acts; archive, in legal terms, all acts; maintain information, provide all available updated documents, hold all meetings open to the public, etc.
- **Law No. 239 of 13.11.2008 concerning transparency in the decision-making process and Regulation concerning the procedures for ensuring transparency in the decision development and adoption process, approved by Government Decision No. 96 of 16.02.2010** (*The Government Decision no. 967 of 09.08.2016 on the mechanism of public consultation with civil society in decision-*

making it came currently into force), establishes procedures for ensuring transparency in the decision development and adoption process within central and local public administration authorities. According to these normative acts, public authority is obliged to: publicly inform about the decision development inception; publicly inform about drafting and about all additional materials; organize public consultations with all counterparts about the draft decision; examine proposed recommendations and make a summary of these recommendations which is publicly accessible; develop, approve and inform about the internal rules of information, consultation and participation in the decision development and adoption process; nominate and train a public consultations process coordinator; ensure the participation of all counterparts who were informed in advance about public meetings and about the subjects to be discussed; publicly inform about all adopted decisions; develop transparency reports concerning the decision-making process and ensure access to them, etc.

- **Government of Moldova Decision No. 188 of 03.04.2012 concerning the public administration authorities' official internet webpage** outlines the webpage as aiming to increase transparency levels in the public administration authorities' activity and access to public interest information, as well as establishing minimum mandatory requirements for public administration authorities' official internet webpages. As a result, the following information will be published on public administration authorities' official internet webpages: Public authority structure; Information concerning objectives and responsibilities

of subordinated divisions; Public authority contacts (mailing address, telephone number, other requisites); Number of employees; Information concerning subordinated organizations (indicating their webpage links); Public authority information provider services' telephone number; Information concerning public authority management team; Public authority management financial disclosure statement; Public authority approved normative acts; Information concerning transparency in the decision-making process; Citizens audience hours; Information concerning petition submission procedure; Information concerning citizens' involvement in public service; Information concerning public authorities' organized meetings and adopted decisions; Information

concerning programs and projects, including Technical Assistance, where public authority is a beneficiary or is a project enforcer; Information concerning public authority budget planning and enforcement; Public services provided to natural and legal persons; Other useful information.

- **Law No. 436 of 28.12.2016 concerning local public administration** states rules that regulate civil society participation in the decision-making process, applicable to local public administration.

There are other normative acts, as well that regulate transparency in public administration activities and the provision of information to citizens concerning public affairs.

III. MONITORING REPORT SCOPE AND METHODOLOGY

1. Data collection and analysis

IDIS “Viitorul” addressed a request, with regard to 27 questionnaires that local public administration authorities sent. These local public administration authorities are: *towns* - Balti (municipality), Cahul, Ungheni, Orhei, Drochia, Durlesti, Causeni, Edinet, Calarasi, Falesti, Nisporeni, Riscani, Rezina, Leova, Donduseni, Briceni, Ocnita, Anenii Noi, Cricova, Stefan Voda, Criuleni, Cupcini; *villages* - (townships) Corjeuti (Briceni district), Pelinia (Drochia district), Peresecina (Orhei district), Sipoteni (Calarasi district), Talmaz (Stefan Voda district).

The information analysis method of the official webpage was used for other local public administration authorities, as such: Chisinau municipality, towns - Soroca, Ceadir-Lunga, Straseni, Hincesti, Vulcanesti, Ialoveni, Floresti, Taraclia, Singerei, Cimislia, Basarabasca, Codru, Glodeni, Singera. Villages/townships - Costesti (Ialoveni district), Copceac (UTA Gagauzia), Truseni (Chisinau municipality).

It is important to note that five local public administrations do not have an official webpage and did not fill in the requested questionnaire and were consequently excluded from the present classification and Report evaluation. They are the following: Bacioi (Chisinau municipality), Carpineni (Hincesti district), Congaz (UTA Gagauzia), Baurci (UTA Gagauzia) and Otaci (Ocnita district).

2. Transparency criteria and scoring

The ranking of all monitored local administrations was made according to 53 indicators in nine areas (transparency criteria). The evaluated areas

cover public administration competencies and official responsibilities such as decision-making processes as well as other areas considered important for good governance (e.g. ethics, conflict of interests). Amongst the selected areas, access to information, decision-making process participation, public procurement and budget were considered the most important. The results are based on data that is publicly accessible, which can be easily measured and verified. The highest score for a local administration was 100% (all areas included).

More detailed information concerning the transparency criteria, indicators, or various questions in relation to local administration, can be found on the webpage, top section.

The evaluation was performed in June and July 2016 and covers information concerning local public administration activities for 2015.

| Areas (transparency criteria) | Score % |
|---|---------|
| I Access to information | 16 |
| II Participation in decision-making process | 32 |
| III Public procurement | 12 |
| IV Public property management | 7 |
| V Budgeting | 12 |
| VI Human resources | 5 |
| VII Work ethics and conflict of interests | 6 |
| VIII Social services | 4 |
| IX Investment, state agencies and private sector involvement | 6 |

3. Ranking and Categories

A general ranking of a public administration ranges from 0% (the weakest) to 100% (the best). In

order to have a quicker comparison, all evaluated local administrations were classified according to a grading scale.

| Category | % |
|----------|--------|
| A+ | 80-100 |
| A | 75-79 |
| A- | 70-74 |
| B+ | 65-69 |
| B | 60-64 |
| B- | 55-59 |
| C+ | 50-54 |
| C | 45-49 |
| C- | 40-44 |
| D+ | 35-39 |
| D | 30-34 |
| D- | 25-29 |
| E+ | 20-24 |
| E | 15-19 |
| E- | 10-14 |
| F | 0-9 |

4. Transparency ranking top for 50 cities (municipalities) and villages (townships)

| | LOCALITATY | I | II | III | IV | V | VI | VII | VIII | IX | TOTAL | CATEGORY |
|----|--------------|------|------|-----|-----|------|-----|-----|------|-----|-------|----------|
| 1 | Cimislia | 14.5 | 12.0 | 2.0 | 5.0 | 12.0 | 0.5 | 2.0 | 4.0 | 2.0 | 54.0 | C+ |
| 2 | Chisinau | 11.5 | 13.0 | 4.0 | 6.0 | 8.0 | 3.0 | 1.5 | 3.0 | 2.0 | 53.0 | C+ |
| 3 | Cahul | 14.5 | 14.3 | 2.0 | 5.0 | 12.0 | 0.0 | 1.0 | 0.0 | 1.0 | 49.8 | C |
| 4 | Falesti | 13.0 | 10.0 | 3.6 | 6.0 | 12.0 | 0.0 | 0.0 | 1.5 | 1.0 | 47.1 | C |
| 6 | Ungheni | 8.7 | 11.6 | 4.0 | 5.0 | 6.0 | 3.0 | 1.5 | 1.5 | 3.5 | 44.8 | C- |
| 5 | Soroca | 13.5 | 8.5 | 4.0 | 6.0 | 5.0 | 1.0 | 1.0 | 3.0 | 2.0 | 44.0 | C- |
| 7 | Balti | 11.0 | 13.6 | 2.0 | 5.0 | 8.0 | 0.0 | 1.0 | 1.5 | 0.0 | 42.6 | C- |
| 8 | Orhei | 12.5 | 15.0 | 0.0 | 5.5 | 1.0 | 3.0 | 0.5 | 1.5 | 3.0 | 41.5 | C- |
| 9 | Calarasi | 12.0 | 8.8 | 4.0 | 3.5 | 4.5 | 2.0 | 1.0 | 1.5 | 3.0 | 40.3 | C- |
| 10 | Drochia | 14.5 | 9.6 | 1.6 | 5.0 | 4.5 | 2.5 | 1.0 | 0.0 | 1.0 | 39.7 | D+ |
| 11 | Stefan Voda | 6.8 | 9.5 | 2.8 | 5.0 | 6.5 | 1.0 | 1.5 | 1.5 | 2.0 | 36.6 | D+ |
| 12 | Causeni | 7.1 | 9.5 | 4.0 | 2.0 | 9.0 | 1.0 | 1.0 | 1.5 | 1.0 | 36.1 | D+ |
| 13 | Cricova | 8.5 | 8.0 | 2.0 | 0.5 | 10.0 | 1.5 | 0.5 | 1.5 | 1.0 | 33.5 | D |
| 14 | Basarabeasca | 10.0 | 10.0 | 0.0 | 5.0 | 1.0 | 0.0 | 1.5 | 4.0 | 2.0 | 33.5 | D |
| 15 | Edinet | 10.1 | 8.5 | 2.0 | 2.5 | 2.5 | 2.0 | 1.0 | 1.5 | 1.0 | 31.1 | D |
| 16 | Pelinia | 10.7 | 10.5 | 2.0 | 2.0 | 0.0 | 0.5 | 0.5 | 4.0 | 0.0 | 30.2 | D |
| 17 | Durlesti | 9.7 | 8.0 | 0.0 | 0.0 | 10.0 | 0.0 | 0.0 | 0.0 | 0.0 | 27.7 | D- |
| 18 | Glodeni | 5.5 | 9.5 | 0.0 | 1.5 | 7.5 | 1.5 | 1.0 | 0.0 | 0.0 | 26.5 | D- |

| | LOCALITATY | I | II | III | IV | V | VI | VII | VIII | IX | TOTAL | CATEGORY |
|----|--------------|------|-----|-----|-----|-----|-----|-----|------|-----|-------|----------|
| 19 | Criuleni | 10.5 | 8.0 | 0.0 | 5.0 | 2.0 | 0.0 | 0.5 | 0.0 | 0.0 | 26.0 | D- |
| 20 | Costesti | 7.0 | 9.0 | 1.0 | 4.0 | 1.5 | 0.0 | 0.0 | 1.5 | 1.0 | 26.0 | D- |
| 21 | Nisporeni | 5.5 | 9.1 | 2.8 | 0.0 | 6.5 | 1.5 | 0.0 | 0.0 | 0.0 | 25.4 | D- |
| 22 | Rezina | 8.1 | 8.0 | 1.2 | 2.5 | 2.5 | 0.0 | 1.0 | 0.0 | 2.0 | 25.3 | D- |
| 23 | Ialoveni | 4.5 | 10 | 0.0 | 0.0 | 7.0 | 0.0 | 1.0 | 0.0 | 2.0 | 24.5 | E+ |
| 24 | Sipoteni | 5.0 | 7.5 | 4.0 | 0.5 | 1.5 | 1.0 | 0.5 | 1.5 | 2.0 | 23.5 | E+ |
| 25 | Leova | 4.7 | 9.6 | 0.0 | 1.5 | 4.5 | 0.0 | 1.0 | 1.5 | 0.0 | 22.8 | E+ |
| 26 | Ceadir-Lunga | 5.0 | 8.0 | 0.0 | 1.5 | 5.0 | 1.0 | 1.0 | 0.0 | 0.0 | 21.5 | E+ |
| 27 | Floresti | 6.5 | 10 | 0.0 | 2.0 | 3.0 | 0.0 | 0.0 | 0.0 | 0.0 | 21.5 | E+ |
| 28 | Riscani | 6.4 | 6.6 | 2.0 | 0.0 | 1.5 | 2.5 | 1.0 | 0.0 | 0.0 | 20.0 | E+ |
| 29 | AneniiNoi | 6.4 | 6.3 | 0.0 | 1.5 | 1.5 | 0.0 | 1.5 | 1.5 | 1.0 | 19.7 | E |
| 30 | Taraclia | 8.5 | 2.0 | 0.0 | 2.0 | 4.0 | 0.0 | 0.5 | 0.0 | 2.0 | 19.0 | E |
| 31 | Ocnita | 3.0 | 6.0 | 0.0 | 3.0 | 3.0 | 0.0 | 1.0 | 0.0 | 1.0 | 17.0 | E |
| 32 | Corjeuti | 2.7 | 6.5 | 3.2 | 0.5 | 1.5 | 1.0 | 0.0 | 1.5 | 0.0 | 16.9 | E |
| 33 | Talmază | 3.1 | 7.9 | 2.8 | 0.3 | 1.5 | 0.0 | 0.5 | 0.0 | 0.0 | 16.1 | E |
| 34 | Codru | 8.0 | 2.0 | 2.0 | 0.0 | 0.0 | 1.0 | 1.0 | 1.5 | 0.0 | 15.5 | E |
| 35 | Copceac | 7.0 | 5.0 | 0.0 | 0.0 | 1.0 | 0.5 | 1.0 | 0.0 | 1.0 | 15.5 | E |
| 36 | Cupcini | 4.3 | 4.8 | 4.0 | 0.0 | 0.0 | 0.0 | 0.5 | 0.0 | 1.0 | 14.6 | E- |
| 37 | Truseni | 3.5 | 2.0 | 0.0 | 1.5 | 4.0 | 2.0 | 0.0 | 0.0 | 1.0 | 14.0 | E- |
| 38 | Donduseni | 6.6 | 4.5 | 0.0 | 0.0 | 1.0 | 0.5 | 0.0 | 0.0 | 1.0 | 13.6 | E- |
| 39 | Peresecina | 3.5 | 6.9 | 0.0 | 1.0 | 1.5 | 0.0 | 0.0 | 0.0 | 0.0 | 12.9 | E- |
| 40 | Briceni | 4.2 | 6.0 | 2.0 | 0.0 | 0.0 | 0.5 | 0.0 | 0.0 | 0.0 | 12.7 | E- |
| 41 | Singera | 0.5 | 2.0 | 0.0 | 3.5 | 2.0 | 1.0 | 1.0 | 0.0 | 1.0 | 11.0 | E- |
| 42 | Vulcanesti | 1.5 | 4.0 | 0.0 | 2.0 | 2.0 | 0.0 | 0.5 | 0.0 | 0.0 | 10.0 | E- |
| 43 | Hincesti | 1.0 | 6.0 | 0.0 | 0.0 | 1.0 | 0.0 | 0.0 | 0.0 | 0.0 | 8.0 | F |
| 44 | Straseni | 4.0 | 0.0 | 0.0 | 0.0 | 2.0 | 0.0 | 1.5 | 0.0 | 0.0 | 7.5 | F |
| 45 | Singerei | 5.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.5 | 0.0 | 0.0 | 5.5 | F |
| 46 | Bacioi | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | F |
| 47 | Baurci | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | F |
| 48 | Carpineni | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | F |
| 49 | Congaz | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | F |
| 50 | Otaci | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | F |

IV. EVALUATION OF TRANSPARENCY CRITERIA – FINDINGS

1. Access to information

In order to ensure transparency and access to public governmental information, local administrations use the governmental websites, which represent one of the instruments for publishing relevant information concerning their activity.

Furthermore, public authority official webpages must contain sections providing information referring to decision-making transparency in order to facilitate access to information, for all interested counterparts, concerning public authority decisions development and adoption. The findings have shown that 42.3% of webpages do not have sections referring to decision-making transparency. Sections that were found on some of the webpages did not contain all mandatory legal information or none of this information was found.

Approximately 48.8% of these webpages partially contain information concerning public authorities' and their subdivisions' working hours, by indicating the hours and the person responsible for providing information and official documents to the audience, while 22.0% of webpages do not contain any such information.

The situation concerning the publication on web pages of information about personal contacts, such as telephone numbers and local councillors' political affiliation, is noticed to be much better. The findings have shown that 77.8% are respecting these requirements.

Local public administrations do not always publish announcements of the organization of public meetings (at least three days in advance). These announcements are published by only 35.6% of localities and do not always contain information

about the meeting date, place and agenda. 51.1% of localities are not providing this information on their web pages.

In 2015, 20 local public administrations (44.4%) did not provide public information about draft decisions/ provisions and the necessary additional documents before the meeting. In consequence, the right and possibility of citizens to fully understand the content of project acts which have been discussed during local public administration meetings have been curtailed. Only five localities (11.1%) have respected these requirements.

Access to information

42.2% of LPAs do not have on their web pages sections referring to decision - making transparency and 57.8% of those that have are incomplete

22% of web pages do not include the work program and time audience of LPA officials

44.4% of LPAs do not publicly inform about draft decisions/provisions and all additional documents

35.6% of LPAs do not inform about the organization of public meetings

Given the fact that IT technologies have developed at high speed and that Moldovan legislation gives the right to citizens to address on-line petitions/ requests, we evaluated local administration web pages in order to find an on-line instrument that will allow citizens to submit and to track their complaints/requests.

The majority of webpages (53.3%) did not contain this kind of instrument, whereas the rest (46.7%)

had sections (an on-line form) where citizens could fill in and submit a complaint/letter, but usually addressed to the mayor of the locality.

In conclusion, we mention that the **best localities respecting access to information criteria are the local public administrations from Cimisia, Cahul and Drochia**. Each scored 14.5 out of a maximum 16 possible.

Approximately 48.9% of web pages partially contain information concerning local administration and its subdivisions' working program by indicating the hours and person responsible for providing the audience with information and all necessary additional documents.

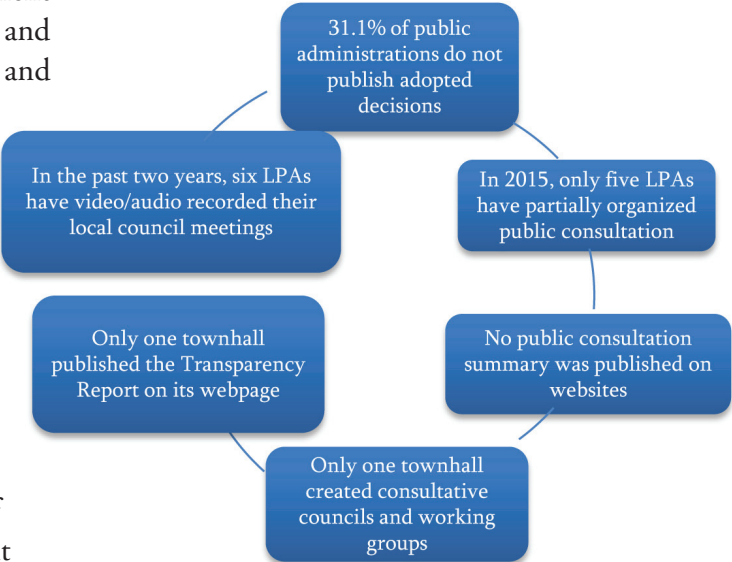
2. Participation in the decision-making process

Good governance implies respecting the principles of transparency when referring to the development and adoption of normative acts. All prepared and adopted decisions presented in a transparent and participatory manner are highly supported by society and have a good chance of serving public interests.

In 2015, according to this performed analysis, out of 45 localities only five have, in limited cases, partially organized public consultations concerning draft decisions/provisions. Although 18 public authorities responded to the questionnaires that they publicly informed about the organization of public consultations by placing an announcement on the local information stand, we consider that this manner of publicity does not ensure the possibility for participation of all interested counterparts in the decision-making process. Meanwhile, in the same context and because of the organization of public consultations, we notice that a summary of received recommendations, which was supposed to be received from all interested counterparts, is not published on the website (here we should also mention the lack of motivation from public authorities to accept or reject these recommendations).

When speaking about the establishment by public authorities of consultative councils, permanent or ad-hoc working groups, which will participate in the decision-making process, only the **local public administration of Balti municipality partially established** these cooperation and partnership institutionalized mechanisms between public authorities and civil society.

The use of these mechanisms in the decision-making process is one of the most efficient consultation methods concerning public policy problems that are on the agenda of the institution. Specific topics are discussed and analysed during working groups and consultative councils meetings, usually formed by public administration representatives and of various interested counterparts. These topics are subject to a public decision. Various approaches are being developed; all interested counterparts' positions and opinions are defined and the best solutions are identified.



The majority of public authorities, 39 localities (86.7%), did not develop and inform about internal rules for information, consultation and participation in the decision development and adoption process. At the same time, each public authority is obliged to nominate and train a public consultation process coordinator who is responsible for ensuring transparency in the decision-making process within the respective authority. Unfortunately, this mandatory request is fully performed only by the public administration of **Cahul**.

Local public administration authorities are falling behind with reports development and publishing on websites concerning transparency in the decision-making process. **Balti municipality town hall** is the only one that published on its web page statistics concerning the transparency report for 2015.

There is a better situation referring to ensuring all interested counterparts' participation in public meetings. With the exception of five localities that did not fill in the questionnaires and lack of information on their web pages, all the rest of authorities are ensuring the public have the possibility of participating in all local council board meetings. Likewise, with the exception of 11 localities, citizens are offered to take the floor during local council board meetings with reference to any discussed subjects that are on the agenda, before the voting procedure, without previous approval by the councillors. Meanwhile, citizens from 12 localities still find it difficult to participate in all local council board advisory committee meetings.

Despite the guarantee of access to all interested counterparts to local council board meetings, due to the lack of space (corresponding assembly room), this principle is impossible to be achieved. In this context, a detailed regulation of access to the assembly room where the public board meeting is held, is required; mandatory behaviour of all participants; methods of endorsement for inappropriate behaviour, etc. Unfortunately, none of the public authorities has developed or publicly published these regulations.

At present, various localities have implemented projects concerning assembly rooms' equipment necessary for video/audio recordings of local council board meetings in order to be broadcasted on-line or stored in the web page archive. Although these instruments are new to being used by local administrations, out of all that were evaluated, six of them (13.3%) fully or partially published the video/audio recordings of all local council board meetings for the past two years.

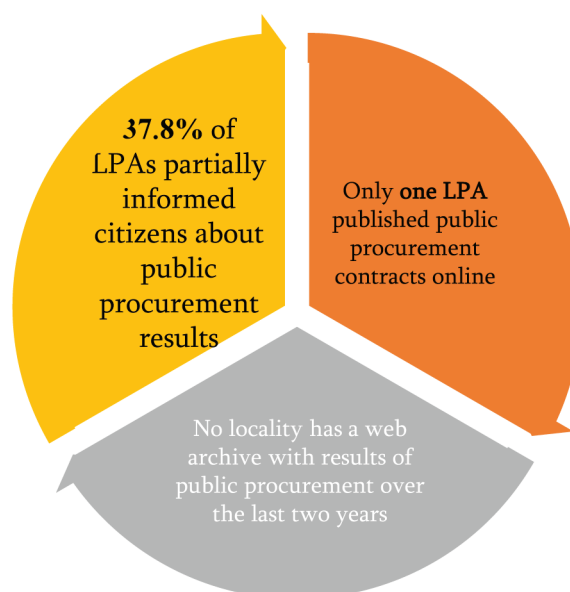
Local public authorities must ensure access to all adopted decisions by publishing them in accordance

with legislative requirements. In this regard, we find a high degree of responsibility of LPAs' to publicly inform citizens about all adopted decisions. We need to mention as well situations when this information is communicated selectively (37.8%) or it is not published at all (31.1%). In conclusion, placing information about adopted decisions on the local information stand does not fully ensure access to information concerning the adopted decisions.

Summarising these findings, we would like to state that **the best example of participation in the decision-making process is the local public authority from Cahul**, which accumulated a score of 14.3 out of a possible maximum of 32.

3. Public procurement

The area of public procurement is vulnerable to diverse schemes concerning the arrangement and fraud of contracts, performed through acts of corruption or through conflicts of interest from contracting parties. Given the fact that public procurement implies the use of public money, a maximum transparency of procedures and results of public procurements is obligatory, while works, provided services and purchased goods are of public interest.



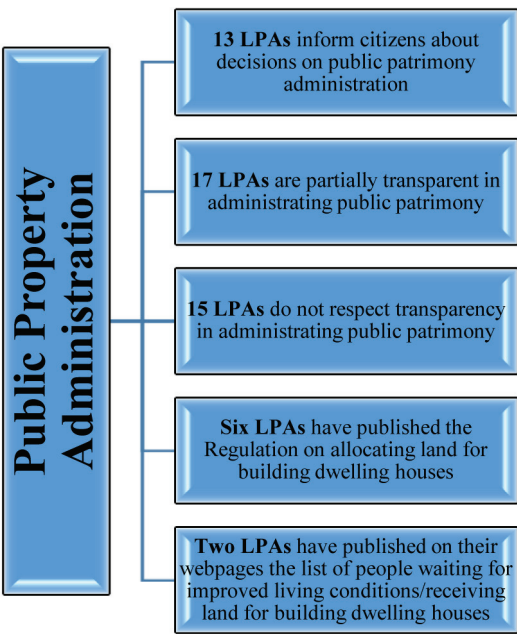
Based on localities analysis, we conclude that local administrations demonstrate certain openness during the inception stage of public procurement.

Thus, 37.8% of localities (17) have partially informed citizens about public procurement. Chisinau municipality achieved the best result for this criterion. With reference to public procurement results publishing, only 14 localities are partially doing this (31.1%) and **only Calarasi is publishing contracts of public procurement, works and services, signed as a result of tenders and calls for proposals for 2015**, including the report concerning the small share public procurement achievement. Over the last two years, none of the localities studied has on its webpage an archive of public procurement results, which is considered one of the negative aspects.

It is worth considering that, according to legal requirements, local public administration authorities are publishing certain information about public procurement in the Public Procurement Bulletin, administrated by the Public Procurement Agency. However, not everyone has access to this bulletin, as, since January 1st2015, the Public Procurement Bulletin is available exclusively in electronic format and all who are interested may subscribe only upon payment of a certain fee. In this context, we regard it necessary that LPA web pages contain information about public procurement procedures and results.

4. Public Property Management

One of the most vulnerable areas for local public authorities is the administration of patrimony (such as properties, land) that belongs to administrative-territorial units. This is due to high interest for this property and a vague, contradictory, incomplete and superficial legal framework, which may lead to misinterpretations. The selling/leasing/renting of property belonging to an administrative-territorial unit is carried out in accordance with the decisions of local council boards. Thus, the level of transparency related to the administrative-territorial unit's property tenders/contests/direct selling negotiations/leasing/renting results depends on the public's level of information concerning local council's decisions. The same situation is applicable to decisions concerning the distribution of land for building individual dwelling houses, as well as housing allocation/selling to citizens.



In this context, we concluded that 15 localities do not obey the principle of transparency in administering public patrimony, 17 localities are partially transparent and only 13 localities have a high level of executing the local administration's obligation to inform people about decisions adopted with regard to administering the public patrimony. Within the last group of localities, 12 administrations have an archive on their webpage showing the public heritage management results for the last two years.

We regarded as advisable the analysis of two more indicators, which have the role of enhancing the transparency in public patrimony management: the adoption and publication of rules concerning the allocation of land for building individual dwelling houses, and publishing the list of persons who are waiting for improved living conditions/receiving land for building individual dwelling houses.

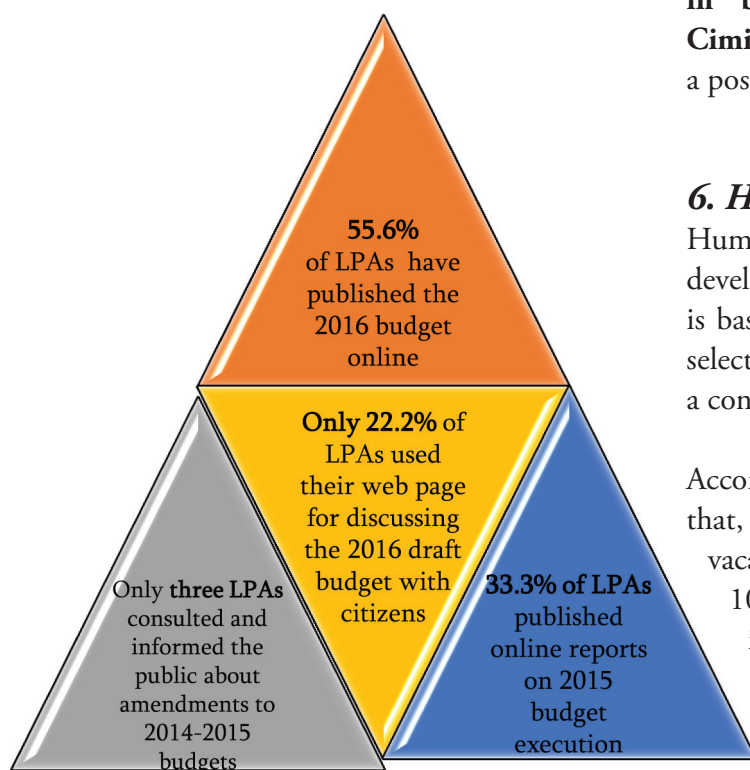
The analysis results show that only six localities (13.3%) have adopted and published such a Regulation and only two localities have published the due list of people (Stefan Voda and Singera). Here, we want to reiterate that placing the list on the information board, as some localities are doing, does not ensure an adequate level of public information.

Summing up the above mentioned, we conclude that **the best examples of transparency in**

administering public property are Soroca, Falesti and Chisinau, which accumulated six of a possible seven scoring on this criterion.

5. Budgeting

Local budgets are of major importance, both for authorities, and equally for ordinary citizens, whose quality of life and comfort is directly dependent on decisions of budget planning and performance. Given the importance of this document for community general development, but also for each citizen in part, budget planning and performance should be carried out in conditions of maximum transparency. Public finances will be used efficiently and the level of corruption will be lowered only by means of raising transparency.



The monitoring of local administrations showed that 10 localities (22.2%) provided 2016 draft budget for public consultation and brought it to public attention, while in nine of these localities the 2016 draft budget included a description of all the components (programs, subprograms and other budget elements), including a short justification for each element in sections of revenues and expenditures. At the same time, we found that the administrations

of only three localities have presented amendments to 2014-2015 budgets for public consultation or informed the general public about them.

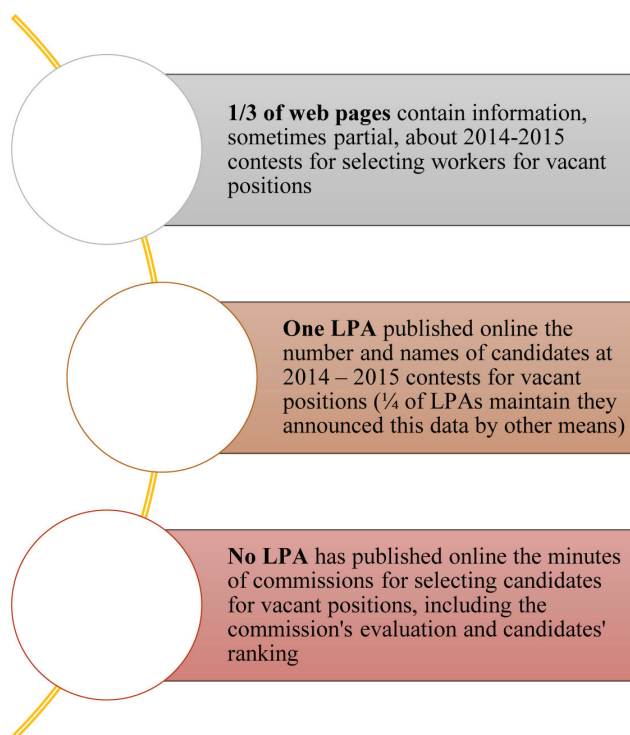
A very positive aspect is the fact that about 55.6% of local administrations (25) have published on their websites the administrative-territorial unit budget for 2016. Unfortunately, we cannot say the same about the publication of budgets for at least the last three consecutive years (2014-2016); only 14 localities (31.1%) have published such information. Besides, only 15 local administrations (33.3%) have published online reports regarding annual budget performance for 2015.

Summarizing the above-mentioned, we conclude that **the best examples concerning transparency in budget planning and performance are Cimislia, Falesti and Cahul**. Each scored 12 out of a possible 12 scoring on this criterion.

6. Human resources

Human resources' professional promotion and development policy, in local public administration, is based on the principle of transparency for staff selection and employment, and should be based on a contest.

According to analysis results, we have concluded that, in 2014-2015, only 5 localities organized job vacancy contests and made them public, while 10 local administrations selectively published information about contests. In addition, only in eight localities, did the announcements concerning the existing job vacancies in the public sector include a job description for the vacancy and qualification requirements. A single locality – Chisinau municipality – published the candidates' number and names, who participated in the selection contests for 2014-2015. In addition, none of the local administrations has publicly published on their official webpage the minutes of commissions for candidates' selection for job vacancies, including the commission's evaluation and candidates' ranking.



Summing up the above mentioned, we conclude that **the best examples of transparency in personnel selection and employment within the public sector are Chisinau, Ungheni and Orhei**. Each scored three out of a possible score of five for this criterion.

7. Professional ethics and conflict of interest

Working in public administration requires the ethical behaviour of officials and employees, in accordance with deontological norms and standards. In this regard, a Code of Behaviour is an instrument aimed to prevent conflicts of interest and corruption, instead building integrity and establishing certain professional standards in public service. According to European practices, each institution develops a code of ethics.

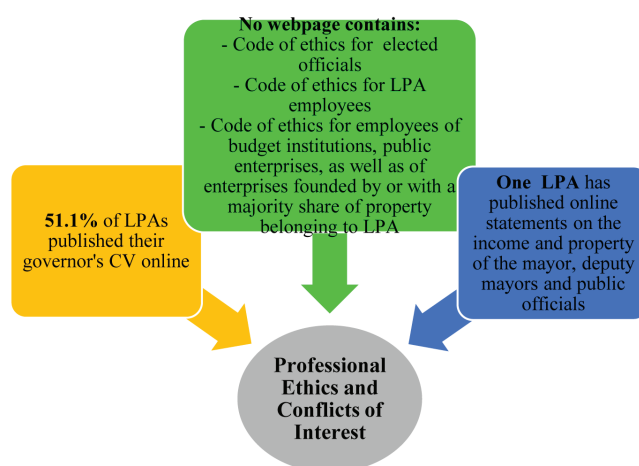
In this context, we note that 51.1% of localities (23) published on their official web page the Mayor's CV, which includes information about higher education, work experience, previous membership in trade companies or non-profit organizations.

The income tax statements and property of mayors, deputy mayors and public officials have been published only in Cimislia town, while the

overwhelming majority of localities – 38 (84.4%) – have not familiarized citizens with these statements.

Although some administrations state that they have developed and published ethics codes on local information boards, we note that none of the localities has on their web pages local officials' code of ethics.

We found a mechanism for reporting unethical behaviour and the telephone numbers of anticorruption bodies only on the Chisinau municipality web page. The rest of the localities do not have such a mechanism on their official web pages.

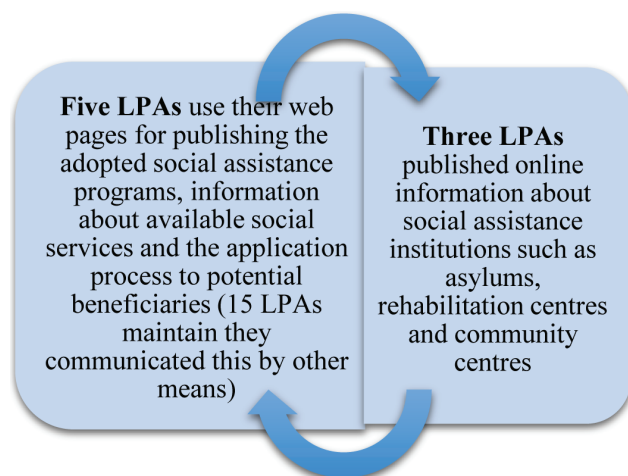


Chisinau municipality is the only locality that accumulated the highest score of 2.5 out of a possible six concerning the publishing of data with reference to professional ethics and conflict of interest.

8. Social services

One of LPAs' fields of activity is community social services development and management for socially vulnerable categories of citizens, as well as social services quality monitoring. For social services delivery, LPA activity has to be based on the principle of accessibility, which implies ensuring access to services for disadvantaged persons/families (by means of informing the population about the available social services, development of new social services and their placement in the neighbourhood of beneficiaries), as well as their adaptation to beneficiaries' needs.

In this consideration, we note that local public administrations in five localities have informed their citizens about the adopted social assistance programs, about social services delivered by the administrative-territorial unit and the application process for potential beneficiaries. In addition, in 15 localities, this information was partially made public. However, the majority of localities (25) failed to provide citizens with any information about the available social services.



As for social assistance institutions founded by the administrative-territorial unit, only Cimisia, Basarabasca and Pelinia published, on their official web pages, information relating to such institutions as asylums, rehabilitation centres and community centres.

Moreover, these three localities represent the best examples of transparency and accessibility of public information regarding the available social services in the administrative-territorial unit.

9. Investments, municipal agencies and participation in private sector companies

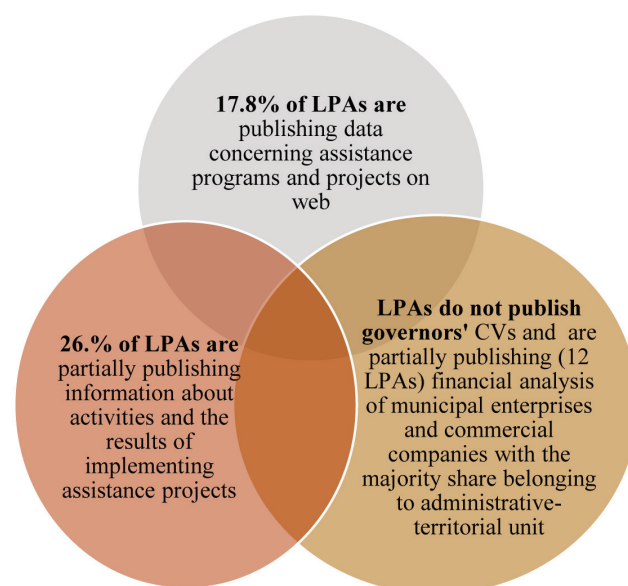
Local public administration benefits from internal or external financial and technical assistance from community donors, the private sector, nongovernmental organizations or central public authorities. In this context, the ensuring of transparency in activities and results, obtained after the implementation of assistance projects, is required.

Public officials' participation in the leadership and administrative boards of municipal agencies, or

companies where the administrative-territorial unit has a share, is inevitably associated with certain elements of corruption and conflicts of interest. Lack of transparency in these companies' administration and leadership, particularly related to remuneration, and lack of public officials and managers' responsibility for improper management of an economic operator, demonstrates the existence of some major problems in companies' corporative management, where the local administration is a shareholder.

The conducted analysis revealed that only eight localities (17.8%) are publishing on their official web page information concerning programs and projects, including technical assistance projects, whose primary beneficiaries or executors are local public administration bodies (name, goals and basic tasks, main beneficiaries and program executors, the expected terms and achievement results, volumes and sources of financing). In addition, 12 localities (26.7%) are partially publishing information concerning the implementation of assistance projects activities and results.

As for municipal agencies and private sector companies with the majority share belonging to the administrative-territorial unit, only Orhei has published on its official web page the names of all subordinate agencies' directors. However, only the information about the "Regia Apa Canal – Orhei" company includes the CV, including experience, of the senior manager (on accessing this rubric, one is



redirected to the company's webpage). Besides, only 12 localities (26.7%) are partially publishing the annual financial analyses of the above-mentioned entities.

We have to conclude that **Ungheni is the best example of transparency in such entities**. It scored 3.6 out of a possible six for this criterion.

V. CONCLUSIONS AND RECOMMENDATIONS

1. The Republic of Moldova has the necessary legal framework for ensuring the process of citizens' access to public information and their participation in decision-making, but it does not work efficiently at the local level. It is necessary that local public authorities, in accordance with their competencies and obligations, ensure the provision to citizens of correct information about public affairs and their participation in the decision-making process.
2. There are localities in Moldova which still do not have official web pages which may publish local public administration activities and inform citizens about public affairs. The absence of such an instrument or its misuse may lead to a diminishing of LPA activities' transparency. In this context, we reiterate the importance and necessity of having available web pages, which have to represent, for the LPA, an efficient instrument of public information dissemination.
3. Many of the existing web pages are difficult to navigate by ordinary citizens, who would struggle to find the information they need. It would be advisable for LPAs to create a new page, or to update the existing page for facilitating citizens' surfing and public information analysis.
4. Not all the pages contain special sections related to decision transparency, while those which have such rubrics, mostly are not filled in and do not contain information required by the legislation. LPAs must create such sections on their official web pages and complete them in order to facilitate information access for all interested counterparts concerning decision development and adoption processes.
5. Information on web pages regarding the LPA and its divisions' working programs (including officials' days and hours, responsibility for delivering information and official documents to the audience) is incomplete or even absent. In addition, most pages do not have online instruments that would allow people to submit and trace their complaints/requests. Web pages must contain such mandatory information. Besides, an LPA's website must provide the possibility of online interpellation of local authority leadership in accordance with petitioning procedure, stipulated by the current legislation.
6. Local public administration does not always inform citizens about the convening of a local public board (at least three working days before the meeting date), which has to obligatorily include date, hour, place of meeting and its agenda. Citizens should be informed in a timely manner about the next LPA sitting and the topics of discussion to be examined.
7. Most LPAs do not inform people about draft decisions/provisions or related materials before the public authority sitting. In order to prevent a restriction of citizens' rights to know the content of drafts discussed at local administration meetings, these must be obligatorily made public.
8. LPA draft decisions/ provisions, including the draft budget and amendments to it do not always undergo public consultations, while the placement of an announcement about public consultations on a local information board does not completely ensure the possibility for interested parties to participate in the decision-making process. Any draft decision should obligatorily be publicly discussed with preliminary announcements about this process on the official web page.

9. The synthesis of recommendations, received as a result of consultations, is not published, while the interested parties cannot know which recommendations were accepted, which were rejected and the motive of their rejection. Public authorities must register all recommendations from interested parties received during public consultation upon the draft decision, and to include these in a synthesis of recommendations, which is published before the corresponding decision's adoption.
10. Public authorities have not created consultative boards, standing or ad-hoc working groups which would participate in the decisional process and which would represent platforms for dialogue between interested parties and the local administration. It is advisable to create and consolidate such platforms and mechanisms of sustainable and efficient cooperation and partnership between local public authorities and civil society.
11. Most LPAs failed to elaborate, adopt or make known the internal rules of informing, consulting and participating in decision-making. Local public administration has to obligatorily elaborate and approve such Internal Rules on the basis of legal provisions, included in normative acts, which regulate the decision-making process transparency.
12. It is very difficult to identify the individual in a public administration who would be responsible for coordinating the process of public consultation, due to lack of any information about such person, including on the corresponding authority's website. Each public administration has to appoint and train a coordinator for the public consultation process, who would be responsible for ensuring transparency in the decision-making within this administration. The information concerning name and contact data of the coordinator should be published on the LPA official web page.
13. Local public administration authorities demonstrate shortcomings in compiling and publishing reports about decision-making transparency and annual budget performance. The authorities must compile and bring to public attention these reports, which contain public information.
14. Mostly, the public is provided with the possibility to attend all local council board meetings and, to a lesser degree, specialized commissions' meetings. In addition, ordinary citizens have the right to take the floor during local council board meetings on any subject on the agenda, before voting, even without the need of previous approval by councillors. The LPA must continue to further ensure citizens' access to local council board meetings and specialist commissions.
15. There are no detailed rules on citizens' access in the meeting hall or stakeholders' obligatory behaviour, or ways of sanctioning inadequate behaviour. Such regulations are necessary, as there are cases when the access of all interested parties to LPA public sittings cannot be guaranteed due to objective motives (for example, lack of room).
16. Web pages do not store, in their archives information: video/audio recordings of local council sittings, over the last two years; minutes concerning candidates' selection for job vacancies, over the last two years; budgets of the previous three years; results of public procurement over (at least) the previous two years; results of direct auctions/contests/negotiations on the selling/leasing/renting of property that belongs to the administrative-territorial unit, over the last two years. It is necessary to create and permanently update on the website a database of public information.
17. Local public authorities adopted decisions, including those related to the public heritage management and the administrative-territorial unit budget, are not always published or are selectively brought to public attention, while the placement of decisions on information boards does not completely ensure citizens are informed about the adopted decisions. People must be

informed at every stage of the decision-making process, including after its adoption, in order to demonstrate the extent to which citizens' proposals and recommendations, nongovernmental organizations, or other interested counterparts, have been taken into account.

18. Local administration either does not adopt or does not publish the Regulation concerning the allocation of land for building individual dwelling houses and the List of persons who are waiting for improved living conditions/receiving land for building individual dwelling houses. These acts are aimed at raising transparency in public heritage management and must be approved and published on authorities' web pages.
19. Local administration does not regard as necessary making publicly known the announcements on conducting public procurement and their results. As the publishing of this data in the Public Procurement Bulletin does not guarantee access to it for every individual, we regard as important that local administrations' web pages contain information concerning public procurement procedures and results. Local administration must ensure transparency at all stages of public procurement, including publishing procurement contracts, so that citizens will have the possibility to monitor their performance.
20. LPAs do not publish details concerning all candidates' selection contests for job vacancies in public service, including a job description and qualification requirements. Besides, neither the number nor names of candidates who participated in the contest, nor the minutes of the commission for candidates' selection for the vacancy, including the commission's evaluation and ranking of candidates, are published on web page. The local administration must ensure access of citizens to all the information concerning public service staff selection and employment.
21. Local administration is reluctant to publish information concerning professional ethics and conflicts of interest, including the mayor's CV;

statements on the income and property of the mayor, deputy mayors and public officials, the Ethics Code for the elected officials, the Ethics Code for LPA employees, the Ethics Code for state institutions employees, state agencies, as well as of enterprises founded by or whose major package of shares belong to the local public administration; and mechanisms of reporting unethical behaviour within LPAs. In order to prevent conflicts of interest and corruption, as well as to consolidate the integrity and establishment of certain professional standards in the public service sector, we regard as necessary the elaboration of the above-mentioned Ethics Codes and publishing of information concerning professional ethics and conflicts of interest.

22. Local public administration does not publish the adopted programs of social assistance, information about social services delivered by the administrative-territorial unit, or the application process for a potential beneficiary, as well as the list of social assistance institutions established by the administrative-territorial unit. Public administrations must inform and ensure the access of disadvantaged persons/families to all the available types of social services and social assistance.
23. Not all localities are publishing on their official web pages information regarding activities and projects assistance results and implementation. In this context, it is necessary to ensure transparency of all assistance programs and projects, whose beneficiaries or executors are local public authorities.
24. Local public authorities avoid publishing information concerning municipal agencies' management and trade companies with the majority share held by the administrative-territorial unit, or annual financial reports of these entities. The local administration must direct its efforts towards ensuring transparency and professionalism in the corporative management of municipal agencies and trade companies with the majority share held by the administrative-territorial unit.

