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Transparency, Openness, Intelligibility

Editor:
Tomáš Jacko
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Capacity Building of NAPA for Open Local Governance

Transparency, Openness, Intelligibility

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NISPAcee is an international association focused on public administration. Its mission is to promote and strengthen the effective and democratic governance and modernisation of public administration and policy throughout the NISPAcee region.
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Teaching module: Transparency, Openness, Intelligibility
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Planned time allocation: 4 hours lecture + 2 hours seminar

Description

Loci, for addressing major societal challenges, are becoming increasingly important across European cities, towns and villages. Some even talk about a return of the city-state or about the potential of mayors ruling the world. Against this backdrop, the democratic accountability of those who rule cities and towns becomes increasingly important. The shift from local government to local governance that has occurred in the last two decades, however, implies that answering the question “who rules this city?” may have become even more difficult to answer than before. In recent years, local political decisions have been increasingly relocated from traditional public decision-making in “town halls” to collaborative governance in “multi-agency networks that cross traditional jurisdictional boundaries (both vertical, across levels of government, and horizontal, between different local governments) and cut across the public–private divide” (Denters, 2011, 315). This relocation of local public decision-making manifests itself in a number of different ways:

• Regionalisation: where collective decisions are made at the sub-national level and where the territorial scale encompasses two or more municipalities.

• Privatisation: where quasi-governmental agencies (operating at arms-length) and private companies are providing local public services and management of public facilities based on contractual arrangements and subsidisation.

• Community governance: where local government either works together with individuals, civic organisations and companies in co-productions and partnerships or facilitates forms of community or neighbourhood self-governance.

In designing new transparency, control and accountability arrangements and in identifying their weaknesses and strengths, it is essential that we are aware of the various functions that these arrangements should play: 1) the democratic function: allowing for steering and control by citizens and/or their elected representatives; 2) the rule of law function: allowing for a transparent and non-arbitrary use of public power and respect for the law; 3) the performance function: allowing for effective and efficient public policies, and the delivery of high-quality services and facilities.
Module goal

The module introduces the key concepts of transparency, openness and intelligibility. It focuses on designing new transparency, control and accountability arrangements and identifying their weaknesses and strengths. Its core part demonstrates their challenges:

- Difficulty to define transparency, openness, intelligibility, accountability and corruption.
- Difficulty to measure transparency, openness, intelligibility and corruption.
- Difficulty to examine causes and the impact of a lack of transparency, openness, intelligibility.
- Difficulty to increase transparency, openness, intelligibility and fight corruption.

Module outputs

- Understanding of the difficulty and importance of defining transparency, openness, intelligibility, accountability and corruption.
- Awareness of the ways in which to measure transparency, openness, intelligibility and corruption.
- Understanding of the causes and impact of a lack of transparency, openness, intelligibility.
- Ability to fight corruption through an increase in transparency, openness and intelligibility.
- Knowledge of anti-corruption local reforms - from Slovakia and abroad.

Module contents

1. Defining key concepts: transparency, openness, intelligibility and corruption.
3. The causes and impact of corruption.
4. Anti-corruption local reforms: experience from Slovakia and abroad, conditions for success.
Introduction

Moreover, look for able men from all the people, men who fear God, who are trustworthy and hate a bribe, and place such men over the people as chiefs of thousands, of hundreds, of fifties, and of tens.

Exodus 18.21

Sometimes it is perhaps better to choose those who “hate a bribe” and listen to what Weber says about the ideal civil service, rather than investing heavily in various anti-corruption projects, codes of ethics and training, which are meant to deliver transparent, open, intelligible and corruption-free public services. Arguably, it is more a matter of human nature and psychology that leads people into corrupt behaviour, which is even harder to eradicate than just ‘bad habits’. Corruption in Slovakia and across Eastern Europe is often connected with the word endemic. It is hence not sufficient to simply rely on projects and hope for more local anti-corruption champions to arise soon. Ideally, a more far-reaching and nationally coordinated approach is required in line with other open governance principles.

Transparency, openness and intelligibility are the main principles of open governance and create the basic framework for the implementation of this concept into practice. The three concepts are complementary and their separate implementation would not bring the desired effects of open governance.

1. Defining key concepts

Before defining the key concepts of transparency, openness and intelligibility, it is useful to define the term corruption - a negative phenomenon that they attempt to fight. Public sector and government corruption is generally seen as the behaviour of either elected or unelected public officials who do not behave according to the law, but instead take a personal or some other immoral advantage of their position. Transparency International uses a rather simple definition: corruption is the abuse of entrusted power for private gain. More generally, corruption could also be seen as a “symptom of something gone wrong in the management of the state” (UNDP 1997, xi). We usually distinguish between petty corruption and grand corruption depending on the scale and the impact it has on the functioning of the state. Petty corruption involves individuals (i.e. citizens or physical persons) who engage in corruption behaviour with public officials.
Examples include preferential treatment in hospitals, a lower fee for speeding from the police, etc. Grand corruption occurs on a larger, usually national scale and can include companies and oligarchs dealing with politicians, policymakers or regulators to seek unfair advantage. Seeking private interest instead of public interest is key in both petty and grand corruption. Grand corruption can lead to state capture – a type of systemic political corruption, which affects all aspects of society at both national and local level. Nepotism and clientelism are also considered to be types or forms of corruption: nepotism concerns public officials giving favours and preference to friends or relatives, whereas clientelism is usually based on a patron-client relationship which includes favouritism, personal preferences based on ‘old school ties’, friendship, business and political transactions.

**Box. 1 Corruption and smoking analogy**

Corruption could be seen, by analogy, as smoking tobacco. They both give relative pleasure to the consumers or recipients even though they usually realise that it is extremely dangerous and can be mortal. What is more, they both affect not only those directly involved, but also passive users or passive smokers and in the case of corruption, often the whole population or local community is affected. Finally, it is possible and there are various well publicised ways of both quitting smoking and getting rid of corruption. However, those who corrupt and those who smoke, in the majority of cases, find it extremely hard to stop.

**Openness** is a similar concept to transparency and they are sometimes used interchangeably. One of the possible distinctions than can be made is the emphasis that openness puts, not only on releasing information (this is transparency), but also the effort it takes to do it willingly, proactively and ideally to encourage citizens to participate in the policy process. On the other hand, transparency can be viewed as a similar but slightly different concept, which focuses on the extent and manner in which public or private entities disclose information. A transparent government and a transparent leader publish information related to their activities. Hence, a truly open and transparent government or an open and transparent leader is not only the one who has nothing to hide and is willing to publish any and all information connected to the actions that he/she takes and decisions he/she makes, but it is also proactive in disclosing information and encouraging citizens to participate and give their feedback. Having said that, the two concepts usually go hand in hand and are both key to open governance. A number of pro-transparency and anti-corruption measures can be put in place but a genuinely open government does not wait for citizens to submit a Freedom of Information request, but rather discloses information voluntarily,
proactively and in a way that invites citizens to look at and assess the information and data. In order to make it easier for the citizen to access and digest information, all information and data should be **intelligible**. This means that government information should be provided in a clear, comprehensible manner. To illustrate, instead of sending or releasing a scanned copy of a 100+ page budget, the government should publish a user-friendly (i.e. citizen-friendly) budget which should, of course, include all technical details, and also an executive summary and presentation of data in such a way that those citizens without advanced financial backgrounds can understand. Furthermore, government data should follow certain internationally accepted **open data** standards, specifications and formats. For instance, data should be available as CSV (comma-separated values), which makes it easily processed and guarantees availability, accessibility, and compatibility.

**Historical and contextual background**

The purpose of the reviewed literature is to provide an informed debate of various anti-corruption approaches, measures and policies, preferably used at local government level. Most of the consulted sources on corruption and anti-corruption measures include case studies and/or chapters of individual country profiles (Stefes 2006, Roniger and Gunes-Ayata 1994). These proved to be very useful in identifying specific anti-corruption measures, their fate and learning lessons from them and their applicability (Piattoni 2001, Neild 2002). What is more, despite not being as complex as the Martin town anti-corruption project “Transparent Town” (see case study), a number of authors also discuss other specific policies affecting local government in Slovakia (Pirosik 2004 and 2005, Sicakova-Beblava and Beblavy 2008).

When assessing and consulting the topics of corruption, openness and intelligibility, one should not limit oneself to corruption-centred literature and sources. Certain significant aspects of the topics also relate to public policy process literature (e.g. Moran 2006, Lindblom 1979, Parsons 1995, and Hill 2005). These sources can assist with examining and justifying anti-corruption initiatives’ initiation, delivery, outcomes, sustainability and their further applicability. Other sources that can be consulted include specialised sources and especially research papers, which deal with local policy initiatives and local anti-corruption schemes in particular (e.g. UN-HABITAT 2004, Fischer 2008, Vasilache and Rata 2008, and Klitgaard 2000). Policy issues such as agenda setting, policy framing, learning, transfer (Minogue 2001) and policy change should also be taken into consideration together with **incrementalism** (Lindblom 1959, 1979), **paradigm shift**, and **windows of opportunity** (Kingdon 1995). Box 2 below provides a short
historical narrative of the post-communist transition in Slovakia and the approaches used to tackle corruption since 1989.

Policies and projects aimed at eliminating corruption have been implemented all around the world, with varying levels of success, and there is also a corresponding plethora of literature, both assessing these anti-corruption measures and providing guidance as to which measures to implement at the various levels of government (e.g. UN-HABITAT and TI 2004, Fischer 2008, Vasilache and Rata 2008, Zemanovicova and Pirosik 2003, and Holmes 2006). Whether it is decentralisation, public shaming, blacklisting, strengthening or establishing bodies to combat corruption, promotion and protection of whistleblowers, rotation of offices, improving officials’ conditions, changing practices, changing the gender balance, increased use of technology, anti-corruption campaigns, ethical education, increased public participation or improving legislation, they can all have their downsides and pitfalls (Holmes 2006, Niznansky and Tomanova 2001, Pirosik 2005, and Turcan 2008). For example, legislation and legal reforms can often be flexible, easily bent and “in the absence of a strong concept and a strong legislative will – lobby groups are able to build into the final text too many exemptions, special treatments, and loopholes” (Hankiss 2002, 252).

2. Measuring corruption

There are a number of methods that can be used to measure corruption, but perhaps none of them when used separately, gives a precise account of the level of corruption in the respective polity. All of the following can be used and are used to measure corruption:

- Public opinion polls
- Expert opinions
- Compound indexes
- Government statistics
- Audits and assessments

Measuring corruption and using some of the methods is similar to completing a jigsaw puzzle. The more puzzles you put together, the more complete the picture becomes. Sometimes, by placing the first pieces, one can obtain a totally wrong idea of the final picture. Similarly, it would be very unwise to measure corruption in one way or another only. We might easily obtain data which does not reflect the real situation. For instance, if you hold a public opinion poll immediately after a major corruption scandal is revealed, the scale of perceived corruption could be significantly higher than if the poll was taken prior to the revelation. Furthermore, police
statistics published regularly by the government can include discrepancies due to corruption and corruption-related crime not being classified as it should be, or because of the police not investigating corruption-related crime. Also, if one only takes into account the total number of criminals convicted on corruption charges, the number can be extremely low and does not necessarily reflect the scale of corruption.

One of the often used ways to visually and logically illustrate corruption or space for corruption is the following simple formula (Robert Klitgaard 2000):

\[ C = M + D - A \]

Corruption (C) equals monopoly power (M) plus discretion by officials (D) minus accountability (A). Klitgaard himself comments that “the formula is metaphorical in many senses, not least in the notion of addition and subtraction. Corruption is a function of many things, with positive ‘partial derivatives’ with respect to the degree of monopoly and to the extent of official discretion and a negative partial with respect to accountability. Since each of these variables is multi-dimensional and since reliable measures are not available, the mathematical metaphor is heuristic only” (2000, 152)

Accountability can be also substituted by T (transparency) or O (openness), or both of these concepts can be added to the formula. Transparency, openness and intelligibility help limit the space for corruption and through that they all help fight corruption. Hence, in order to precisely measure corruption or space for corruption, one also has to take into consideration and measure the level of transparency, openness and intelligibility. To illustrate, having tens of thousands of government contracts published every year makes it less likely that corruption will occur and discourages both government officials and private contractors from maximising their private interests over public interest. However, just the fact that the sheer volume of contracts is published would not help to hinder corruption. In order to encourage public accountability, contracts have to published in an intelligible form so that anyone can read them and they are easily accessible.

3. The causes and impact of corruption

Corruption is not a new social phenomenon. It has been present through the history of mankind. Corruption is the result of a number of short-term and long-term causes. The short-
term or immediate causes were described in the previous section and include the excess of power and discretion on one hand, and lack of accountability, transparency, openness and intelligibility on the other. The long-term causes include, perhaps most importantly, the social, economic and historical background of a country or polity in general. Furthermore, one might look at the cause of corruption from a purely economic and rational point of view. It is more likely to occur when the potential gain or benefit is higher than the potential risk or punishment. There is an ongoing scientific discussion as to how significant the various causes have been in determining the current status quo in individual countries. Why is there more corruption in Slovakia and Ukraine compared to the United Kingdom and Sweden? Both are relatively geographically close and yet the level of corruption – measured for instance through the CPI (Corruption Perceptions Index) shows significant differences. One could argue that the United Kingdom and Sweden have not experienced communist regimes and that they belong, both geographically and politically, to Western Europe. However, if we compare Estonia and Slovenia to Slovakia, or Poland to Ukraine then the differences are not so clear cut and yet the scale of corruption is different.

Similarly, the impact of corruption can be multifaceted. Corruption can have not only social and economic causes, but also a social and economic impact. Corruption leads to limited access and a low quality of public services and goods such as healthcare and education. Economically, countries and cities suffering from high levels of corruption experience a lack of efficiency and effectiveness and are less likely to attract private investment and FDI (foreign direct investment) than countries and cities with limited corruption. This has an impact on unemployment, GDP and other economic indicators in a country. Ultimately, corruption leads to a worse quality of life.

At a local government level, the general causes and impacts of corruption are similar to the national level. It only occurs on a smaller scale and affects less people. However, there are certain areas and factors potentially prone to and/or leading to corruption, particularly at the local government level, which are worth mentioning: decentralisation, public procurement, grants, human resources and municipal enterprises.

Decentralisation is often seen as a double-edged sword. On the one hand, it grants more power and competencies to local government. However, with great power does not only come great responsibility, but also great temptation to misuse this power. Countries such as Sweden (a

1 CPI or Corruption Perceptions Index is a compound index put together by the non-profit and think-tank organisation Transparency International on an annual basis.
highly decentralised country) and the United Kingdom (a less decentralised country) show that decentralisation does not necessarily lead to or have a significant effect on corruption.

In contrast, Slovakia’s highly decentralised, and perhaps one of the most fragmented systems of local government in Europe, resulted in a lack of central government control. The lack of an efficient system of checks and balances at local government level further encourages corrupt behaviour. The Slovak case of decentralisation is a rather successful one. Nevertheless, a number of lessons were learned. Slovakia has arguably one of the most decentralised and hence fragmented systems of government and public administration. This greatly supports the principle of subsidiarity and grants a significant level of freedom to municipal citizens to decide themselves what is best for their municipalities and regions. On the other hand, such great power can be misused by elected officials and other local leaders. An effective checks-and-balances system is missing, and the Supreme Audit Office lacks sufficient resources and binding powers to penalise and remove corrupt officials.

Depending on the degree of power and competencies, there are a number of areas which are more prone to corruption at local government level than others. These areas can differ, depending on the respective country and the scale of granted powers in these areas. Transparency International Slovakia devised the Open Local Government ranking which regularly ranks the 100 largest municipalities in Slovakia according to their score in a number of these areas. The four areas mentioned are amongst the most important and have a significant impact on the overall score. We selected public procurement, grants, human resources and municipal enterprises due to the presence of financial resources and a conflicting interpretation of legislation, possibly leading to a lack of transparency, openness and intelligibility in these areas.

Both public procurement and grants involve the distribution of public finances and hence are naturally more prone to corruption than other areas, such as the management of local parks. However, in the case of human resources (i.e. recruitment, remuneration, etc.) and municipal enterprises (i.e. managing municipally-owned enterprises), anti-corruption measures often cannot be fully implemented due to other pieces of legislation. In the case of human resources, transparency, openness and intelligibility often get in the way of protecting private personal information and, in the case of municipal enterprises, openness can be in conflict with protecting the right to conceal certain business-related information (e.g. due to intellectual property rights). It often depends on the interpretation of the law but interestingly, some Slovak municipalities are willing to disclose even personal information and have no problem with publishing data related to enterprises owned, or partly owned, by the municipality. Hence, this (un)willingness often
shows the extent to which local government leadership is serious about fighting corruption and promoting transparency, openness and intelligibility.

To illustrate, Box 2 includes the causes, impact and the manner in which corruption has been tackled in Slovakia. For an example of different approaches to fighting corruption at the local government level, see the Martin Town and Sala Town case study.

Box 2: Tackling corruption in Slovakia

**Slovakia and corruption before 1989**
Similarly to any other countries of Eastern Europe, the four decades of Communist regime in Czechoslovakia, until 1989, did more than enough damage, not only to the economy, but especially to the people’s perception of their rights, democracy, private property and last but not least, the role of the state (Sajo 2002). Czechoslovak citizens did not have the right to any effective means of government scrutiny and as a result, the long period of the autocratic regime led to appalling levels of corruption and nepotism at all levels of public and private life. Local government was no exception to this situation.

**Slovakia and corruption after 1989**
The fall of communism in Czechoslovakia in 1989 meant that most people had a chance to restart their lives and that the government was once again, at least in theory, accountable to the general public. In 1993, Czechoslovakia separated into the Slovak Republic and the Czech Republic. Corruption, still at a record high, meant that the two countries faced, amongst many other problems, the signification challenge of dealing with endemic corruption. Until 1998, the governments in Slovakia were either ignorant or unsuccessful at dealing with the phenomenon (Miller 2001). The 1998 administration, which more or less remained the same after 2002, made a number of attempts to deal with government and public sector corruption. However, while some of them were more successful than others, only few policies had been designed to target both local government corruption specifically, and also achieve positive results.

**Slovakia and corruption today**
An official document adopted by the Government’s Office, openly talks about corruption being present in daily life in Slovakia and admits that more than 25% of resources used in the public sector end up in the circle of corruption (Sikula 2008). However, the centre-left administration that won the 2006 and 2012 general elections halted the anti-corruption efforts of the previous and pro-reform oriented national governments (TIS 2009, Sicakova-Beblava 2008) despite promising in its 2006 and 2012 post-election manifesto the modernisation, economisation and informatisation of public administration and improvement of its management and public scrutiny.

Nevertheless, the short lasting centre-right Radicova government from 2010 to 2012 managed to pass a number of key anti-corruption measures. Perhaps the most significant ones were the compulsory use of electronic auctions in public procurement, and the obligation to make all government contracts public and publish them on the Internet. This measure is still valid and concerns both central and local government. Since its introduction, it has been viewed together with the Freedom of Information Act (passed in 2000) among the most effective anti-corruption tools in Slovakia.

Regarding the local government level, Pirosik argues that it is only one of the “popular myths” in Slovakia that corruption at the local government level is either low or does not exist (2004). However, it is difficult to assess exactly the level of corruption in general. Police statistics and
criminal records only give numbers of convicted criminals, whilst others who have been tried, accused, or mentioned in the media in connection with corruption scandals are officially innocent until proven guilty. Fortunately, both in 2007 and 2003, TIS ordered a representative survey of local government corruption perception. Various aspects of local government corruption were considered and their levels were considerably high and similar in both years. To illustrate, 51% (46% in 2003) of respondents thought that corruption was present in their municipality in the form of clientelism and 42% (44% in 2003) thought corruption was present in the form of nepotism (Roncak 2007).

4. Anti-corruption local reforms: conditions for success

Similar to any other public policy implementation in different environments, there are a number of factors which have to be addressed in order to implement a successful anti-corruption policy project. Based on the literature review and personal experience, the author of this text selected five factors which ought to be considered in order to increase the chances of successful implementation of anti-corruption measures – both at the central and local level. The minimum to consider is: political will, financial resources, level of corruption, incrementalism, and external circumstances. Of course, by anti-corruption strategy, policy or measures, one should first and foremost consider the broader concepts of transparency, openness and intelligibility. They are the main principles of open governance and create the basic framework for the implementation of this concept into practice. The three concepts are complementary and their separate implementation would not bring the desired effects of open governance and anti-corruption efforts.

**Political will**

In order for an anti-corruption project to be implemented and successful, “the chief executive has to be committed to zero tolerance” (Jacobs 2002, 84) For example, according to the Martin town Mayor, Andrej Hrnčiar, great and successful ideas are not as hard as they seem and it is indeed the political will of one decision-maker in charge that often makes all the difference. However, the Martin town project would not have been able to even begin its first stage had it not been for an approval received from the 30 Town Councillors. Klitgaard argues that “fighting corruption somehow implies that one is corrupt, and this in turn offers ammunition to one’s opponents” (2000, 8) and hence voting for anti-corruption measures could be perceived by some politicians, or in this case Councillors, as ‘shooting oneself in the foot’. Thus, more than just the decision-maker’s political will is required. Arguably, this is the area of public policy process where political and management skills come in useful (Pollitt and Bouckaert 2004). The Martin Town case study argues that Martin Mayor’s political background, supportive Town Council,
communication and persuasion skills (i.e. leadership skills), together with his relatively young age all played a role in the successful project delivery.

**Financial resources**

Projects or policies also have a certain initial cost attached to them. This, in most cases, takes the form of financial expenses. The Martin Town project officially cost € 23,300 which all went to Transparency International Slovakia, which in return delivered a policy audit, policy formulation and training. It is usually the policy maker who negotiates and agrees to the cost of such a project, but he must, nevertheless, seek approval from the body in charge of financial resources. Almost by definition, it is the role of the legislature, as the direct representative of the people to decide and vote on financial matters in government. As a result, complex and externally delivered anti-corruption schemes, which are dependent upon initial, but nevertheless considerable, financial resources, must be approved first by those usually not proposing them. This is where problems might arise as is often the case with many potentially successful projects being cancelled, particularly because of the initial financial investment which the legislatures are not willing to grant. Sajo argues that “while transparency is widely recognised as a preventive remedy to corruption, it is also seen, sometimes, as a burdensome transaction cost that impedes the region’s economic development” (2002, 2). Therefore, political will must be accompanied by sufficient financial resources, or at least enough political power, to attain those resources.

**Level of corruption**

Perhaps paradoxically, a successfully delivered project, despite having the aim of fighting corruption, is very unlikely to be implemented in an environment suffering from high levels of corruption. As a result, governments, whether at local, regional or national level, which suffer from endemic corruption, are very unlikely to push such reforms voluntarily or as preventative measures. Lobbying and government’s business ties could be seen as an obstacle to such a project or to any anti-corruption efforts. In other words, corruption in the form of clientelism could hinder anti-corruption processes and the aim of improving local and open governance. Nevertheless, there are circumstances which lead even the most corrupt governments and officials to willingly implement tough anti-corruption schemes. For example, EU funds motivate governments to pass various measures in order to qualify and meet the criteria to enter the competition for numerous grant schemes. For example, in the case of Bulgaria and Romania, their respective national governments were forced to fight corruption under the threat of losing
significant amounts of EU funding (Miller 2008). Therefore, the level of corruption preceding successful project implementation is crucial but could, nevertheless be, under certain conditions, irrelevant.

**Incrementalism**

In order to be able to fully implement a Martin Town project-type scheme, it is necessary to consider the extent to which the environment, in which the application is about to take place, is *path dependent* or, in other words, is ready or willing to change. Incrementalism is according to Lindblom an inextricable part of public policy process and for a radical change to occur, it is necessary to take gradual steps (1959, also 1979). Also, instead of a rational model, incrementalism requires “careful politics” (Hague 2007, 380) and in case of incremental policy-making, “policy emerges from, rather than precedes, negotiation with interested groups” (Hague 2007, 381). The Martin Town mayor, too, had to take part in a number of negotiations before he managed to persuade the Council to approve the changes. Furthermore, when interviewed in 2009, the Vice-President of the Supreme Audit Office in Slovakia argued that it would take the equivalent of at least two generations of people in Slovakia for the corruption habits learned during the Communist era to fade away. In other words, the *paradigm shift* is still beyond reach, despite the first signs. The Martin project case study could also be classified as an example of an incremental change, despite some observers such as Vincent Obsitnik, the then US Ambassador to Slovakia, calling it a “revolution”. Others argue that Martin had had a positive anti-corruption record even before Hrnciar took office in 2006 and that it played a significant role in the successful project implementation. Possibly, the Transparent Town project could be considered as a fast policy change but with incremental steps taken over a short period of time. Therefore, it is also the state in which the object of the future policy is, which ought to be considered as one of the factors before choosing to implement such far-reaching anti-corruption measures.

**External circumstances**

Financial and economic crises could be considered as the epitome of an external and unexpected circumstance. A number of municipalities which had been interested in a similar anti-corruption scheme to the Martin project suddenly called off their intentions, officially due to the financial crisis which commenced in 2008 and 2009. In such cases it might not just be a matter of spending extra financial resources at the time of a financial shortage, but also spending resources on a project which is not yet guaranteed to succeed. During the unstable times of
economic and other crises, governments and local government in particular choose not to implement ‘unnecessary’ projects. Instead, money, time and other resources are diverted towards more conservative government goals such as upholding employment, provision of basic goods and services, etc. As a result, one could say that the windows of opportunity for such large scale anti-corruption schemes have closed for the time being. However, various external circumstances, such as the economic crisis, could also be used as an argument for the implementation of anti-corruption measures. Arguably, they are not only designed and implemented to limit corruption and bring transparency, openness and intelligibility but also to bring more prosperity through attracting investment, encouraging the return of expatriates, increased population growth, etc.

Seminar
- During the seminar, students are given case studies of countries and cities suffering from corruption. Their task is to devise a plan on how to fight this.
- Students can be divided into various stakeholders (e.g. President, Prime Minister, Minister of Interior, member of parliament, NGO representative, journalist, private company representative, oligarch; mayor, councillor, city employee, local small businessmen, local media journalist, local oligarch, etc.) and represent their interests in the fight against corruption.

Questions and discussion
a) What is the difference between transparency, openness and intelligibility? Illustrate your answer with examples.
b) What are the causes and effects of corruption in your country – both at the national and local level?
c) To what extent is it possible to measure corruption?
d) How can we fight corruption? What are the similarities and differences between fighting corruption at the national and local government level?
e) What factors influence the success of an anti-corruption reform?

References


Case Study 1: Local Government Anti-Corruption Approaches in the Slovak Towns of Sala and Martin Compared

Tomáš Jacko

Abstract

The case study provides a comparative case study of successful local governance approaches to fighting and preventing corruption at local government level in Slovakia. The towns’ administrations of Martin and Sala implemented large-scale anti-corruption reforms during the past 6 years which have led to domestic and international accolades. The author shows how different approaches to administrative reform, based on the same basic governance principles, can deliver similar outputs and outcomes in the field of local governance. The article also takes into consideration the local administrative reform efforts prior to the successful town administrations’ reforms, which had begun in the early 1990s and which have also made it possible for the respective town administrations to reform themselves.

Key words: local governance, corruption, transparency, administrative reform, Slovakia

Introduction

The paper provides a comparative case study of successful local governance approaches to fighting and preventing corruption at local government level in Slovakia. The towns’ administrations of Martin and Sala\(^2\) implemented large-scale anti-corruption reforms during the past decade which have led to domestic and international accolades\(^3\). The author shows how different approaches to administrative reform, based on the same basic governance principles can deliver similar outputs and outcomes in the field of local governance. The article also takes into consideration the local administrative reform efforts prior to the successful town administrations’ reforms, which had begun in the early 1990s and which have also made it possible for the respective town administrations to reform themselves.

The author examines how a mayor and a deputy mayor of two Slovak towns and their administrations managed to introduce and fully implement large-scale anti-corruption measures.

\(^{2}\) The town name is spelled “Šaľa” in Slovak.

\(^{3}\) The Town of Martin was awarded first place in the 2011 United Nations Public Service Awards in the category Preventing and combating corruption in the public service (region North America and Europe) and came third in the 2010 Open Local Government survey (conducted by Transparency International Slovakia). Sala on the other hand came first in the 2010 Open Local Government survey and it was also awarded the “Infocin” 2007 award (1\(^{st}\) place), HESO Regions 2007 (1\(^{st}\) place - informing) and 2008 (1\(^{st}\) place - procurement), and ITAPA 2009 (3\(^{rd}\) place – electronic self-government).
at their town halls. The two case studies show contrasting approaches to public administration reform and to fight against corruption. Martin’s approach was a typical example of top-down local governance. The town mayor rapidly implemented in a relatively short space of time a complex and externally engineered anti-corruption programme. By contrast, the Sala case study shows that local anti-corruption efforts can be initiated “at the bottom” by local anti-corruption activists, hence the phrase bottom-up local governance. Furthermore, Sala’s anti-corruption programme was devised internally, included more basic measures and the change was delivered in a more incremental way compared to Martin.

The paper provides short narratives of the case studies with particular attention given to the initiation and delivery of the far-reaching anti-corruption and local governance measures. The case study research is based on documents, observations, an opinion poll performed in 2010 in Martin, interviews conducted in 2009, and media coverage. These include both local and national newspapers, documents which were part of the Transparent Town project as well as Mayor Hrnčiar’s and Deputy Mayor Meciar’s personal blogs and websites. The opinion poll was carried out in September 2010 and asked a representative sample of Martin’s inhabitants about their views on corruption and also about the Transparent Town project. As for the interviews, not only Mayor Hrnčiar and Deputy Mayor Meciar were interviewed, but also a number of councillors, staff members, working partners from Transparency International Slovakia and other local anti-corruption initiatives (Jacko, 2009).

Extensive literature exists on the topic of New Public Management reforms and on application of good governance principles into public processes (e.g. Osborne and Gaebler, 1993; Pierre and Peters, 2000; Barzelay, 2001; Pollitt, 2003; Pollitt and Bouckaert, 2004; Lynn, 2006; Lane, 2007; Lynn and Hill, 2008). However, the topics still deserve more attention in the context and political environment of central and eastern European (CEE) countries which began to introduce such ideas only in the late 1990s and early 2000s. Moreover, local political leadership has been a well-researched field, both in the US (e.g. Kotter and Lawrence, 1974; Stone, 1989; Svara, 1990, 1994) and Europe (Pratchett and Wilson, 1996; John and Cole, 2000; Leach and Wilson 2002; Berg and Rao, 2005; Haus and Sweeting, 2006). However, regarding Slovak local governance, administrative and anti-corruption reforms, and political leadership in particular, so far only limited academic research has been conducted.
On Slovak local government

Slovakia has three tiers of government: national, regional and local. Local government (i.e. municipal government or municipalities) comprises a directly elected mayor and directly elected council members (i.e. councillors). There are more than 2900 municipalities, each with its own mayor and council members. Elections are held every four years. In contrast to national elections, independent candidates are free to stand in both regional and local elections. Petrzalka city, part of Bratislava, has the highest population (110,000). The capital city Bratislava (population 450,000) and the second largest city Kosice (population 230,000) have special status but they are also considered to be local governments with their own city mayors and city councils. The smallest municipalities have less than 10 inhabitants and there are hundreds of municipalities with less than a hundred inhabitants. The 100 largest municipalities by population comprise more than a half of the Slovak population. The other half lives in the remaining 2800 towns and mostly villages. Martin, with its population of nearly 58,000, is the 8th largest town in Slovakia. Sala, with its population of 23,000 is the 30th largest Slovak town.

Public administration reform in Slovakia, which commenced in 1990, granted Slovak municipalities a significant degree of independence. Even compared to the Czech Republic, Slovak municipalities were given a considerable level of freedom to govern and control themselves. All Slovak municipalities not only elect their mayors by popular vote but council members, for instance, get to choose and vote for municipal auditors amongst other municipal positions. The only remaining state control over municipalities is the Supreme Audit Office which, however, has more or less only an advisory status and not legally binding. The police and prosecutors should act in cases of corruption or breaches of law and corruption, but the 20 years of Slovak independent municipal experience show that even in cases of serious misconduct and breach of the law, municipal representatives have not been successfully prosecuted and punished4. Instead, a mayoral recall election often remains the only chance for effectively and, in a relatively short time, removing and replacing a corrupt mayor. In terms of local governance, the small population size of Slovak municipalities on the one hand, but a large number of council members on the other, make it arguably difficult to implement modern elements of the governance concept. Nevertheless, this paper will show two case studies of Slovak municipalities which successfully managed to deliver good governance principles as a result of their anti-corruption efforts. It is up to the reader to decide whether they occurred more as a

matter of luck and coincidence or as carefully planned and delivered policies worth being transferred to other Slovak and CEE countries.

Slovak legislation sets standard rules which cover local government and the conduct of local government officials. However, despite having one of the most decentralised and hence arguably most democratic local governments in Europe\(^5\), only a limited number of municipalities prior to Sala’s initiative and the Martin town project, had been willing to disclose more information and make governance more open than the minimal standard prescribed by the law. Public officials, even in Sala and Martin, preferred to make decisions behind closed doors (TIS, 2008), perhaps with no wrong intentions, but nevertheless ruling out the public’s view of the decision-making process. There are numerous cases in Slovakia of local governments and their leaders who have exploited the legislation and legislative loopholes, ineffective police, prosecution and judiciary which, in the end, all permit them to be untouchable. Partly as a result of such news reports, the Slovak public lost trust, not only in the municipalities, but also in other public institutions and representative democracy as a whole. It is cases such as Sala and Martin which attempt to prove the sceptic wrong.

Sala

Sala’s case study will be portrayed in three distinct periods: opposition years (2002-2006), years of change (2007-2010) and Sala 2.0 (2010 onwards). The story describes the efforts of a locally formed initiative with an IT skilled local anti-corruption champion who attempted to push for local governance reform in their small town. The anti-corruption reform plans were included in their election manifesto. The reform was basic in nature, devised internally, and changes were delivered incrementally (see Figure 1). As a result of the reform efforts, Sala came first in the 2010 Open Local Government ranking devised by Transparency International Slovakia\(^6\).

**Figure 1: Sala and Martin anti-corruption project compared**

<table>
<thead>
<tr>
<th>Town/project feature</th>
<th>Included in the election manifesto?</th>
<th>Delivery</th>
<th>Measures</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Martin</td>
<td>No</td>
<td>External</td>
<td>Complex</td>
<td>Rapid</td>
</tr>
<tr>
<td>Sala</td>
<td>Yes</td>
<td>Internal</td>
<td>Basic</td>
<td>Incremental</td>
</tr>
</tbody>
</table>

Source: author

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\(^5\) For instance, it is not common in all European and CEE countries in particular to have elected mayors in all municipalities.

\(^6\) For the complete results, see [http://samosprava.transparency.sk/en/](http://samosprava.transparency.sk/en/).
Opposition years (2002-2006)

Most of the anti-corruption measures in the town of Sala would not have been passed, had it not been for Jozef Meciar, a former IT expert and later the Deputy Mayor of Sala. He and his friends formed an unofficial local initiative in Sala in the early 2000s and later founded an NGO named Lepsia Sala [Better Sala]. Similar to other local anti-corruption initiatives which were, at the time, united under the Antikor banner, Lepsia Sala’s main goals, amongst others, were to bring more transparency into local governance; allow citizens greater control and participation in the local decision-making processes and fight against corruption, nepotism and the inefficient use of public resources. They were no anti-corruption experts but local citizens covering various professional fields. Meciar himself admits that their anti-corruption efforts were drafted spontaneously “in a pub” (Meciar, 2009).

The greatest success during this opposition period was a motion lobbied by their NGO, which was passed by the Sala town council on 28 October 2004 (“motion on automated information publishing” [uznesenie o automatizovanom zverejnovani informacii]. It forced the town hall to publish a lot of information online for the first time, including all publicly available documents, forms and regulations, staff and officials’ contact details, and last but not least, all answers and information provided through the Freedom of Information Act requests. Although some other original proposals were scrapped, it was this last measure which allowed all information to be published anyway since activists from the Lepsia Sala NGO then filed numerous freedom of information requests, which had to be published online including the answers to them. Their efforts and also data they were able to uncover helped them to be elected and win seats in the Sala Town Council in December 2006.

Years of change (2007-2010)

The December 2006 local election brought in a number of councillors who belonged to the Lepsia Sala NGO. Their main election pledge was to fight corruption and bring more transparency into the municipal government. They also advocated other proposals which could be considered as good governance driven (Meciar, 2009). Due to positive election results and the coalition potential, Jozef Meciar was also appointed as the Sala Deputy Mayor. It was mainly

7 For more information, see the old website http://www.lepsia-sala.sk/index.php or current Facebook page http://sk-sk.facebook.com/LepsiaSala.
8 Antikor is a Slovak online anti-corruption community which electronically shares information and experience about their fight and efforts, mostly in their municipalities. It emerged around the year 2004. In 2010, some of the Antikor members founded an NGO ZOMOS [Zdruzenie obcanov miest a obci Slovenska].
thanks to this executive position that he was able to push for and deliver most of the reforms in the following years.

Among the various effective anti-corruption measures were the following: compulsory e-auctions on all procured products and services (even low cost), all invoices and contracts published online, information and cost of municipal employees’ business trips published online. All of these measures came into practice in 2007 and 2008, almost 4 years before e-auctions and local government contracts had to be published by law (Meciar, 2012). For example, savings in public procurement were up to 30 per cent less than the originally planned budgetary items (Meciar, 2012). What is more, the new town executive also encouraged council members, including opposition parties and independent councillors, to take part in the public procurement process. Interestingly, as a result of the different approach by the new town executive, the then opposition also underwent transformation and according to Meciar, went through 3 stages: reluctance, cooperation, and finally own initiative (Meciar, 2010). This shows how different the governance approach was perceived by the town executive, compared to the period prior to this. Instead of following a strict party and political line and engaging in adversarial politics, the new town management offered and encouraged the opposition and the public to cooperate towards a better functioning and open local government. It is due to these efforts and concrete results that the town was awarded numerous awards, mainly in the field of e-governance and government openness.

For instance, in order to compare different approaches to open local governance, one can compare the 2002-2006 and the 2007-2010 period in terms of involvement and membership of public procurement commissions (see Figure 2). The average number of commission members who were responsible for public procurement rapidly increased during the period 2007-2010 compared to the previous election period (from an average number of 4.2 to 7.9). This was also reflected in the average number of council members present. From an average of 0.7 in 2002-2006, the number increased to 3.6 council members present per public procurement. And lastly, the town hall executive and coalition councillors also encouraged and made it possible for the opposition and independent councillors to take part in the public procurement selection process. This resulted in an increased number of opposition council members being involved, which rose from an average of 0.2 to 2.8 (Meciar, 2010).
Figure 2: 15 largest public procurements (2002-2006 and 2007-2010) compared

<table>
<thead>
<tr>
<th>Election period</th>
<th>Average number of commission members</th>
<th>Average number of council members present</th>
<th>Average number of council members present from opposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002-2006</td>
<td>4.2</td>
<td>0.7</td>
<td>0.2</td>
</tr>
<tr>
<td>2007-2010</td>
<td>7.9</td>
<td>3.6</td>
<td>2.8</td>
</tr>
</tbody>
</table>

Source: Meciar, 2010

**Sala 2.0 (2010 onwards)**

Sala and its town management have continued with its open local governance policies after the November 2010 local election. The town’s executive including the deputy mayor was re-elected and the town hall began working on the Sala 2.0 project which included even more emphasis on open governance through e-democracy. Among the proposed policies and tools were e-forms, e-petitions, opinion polls, discussion forums, and other e-government initiatives (Meciar, 2010)

**Martin**

Andrej Hrnciar, another local governance pioneer, though of a different kind, managed to introduce and fully implement large-scale anti-corruption measures in his town hall in just two years between 2008 and 2009, similar to Jozef Meciar, during his first term in office. Andrej Hrnciar, being an independent candidate, and a former professional theatrical actor, the odds of successfully implementing externally-drafted anti-corruption measures in 17 crucial town policy areas were all but in his favour. Despite being a political outsider and not belonging to any local political initiative or faction, Hrnciar managed to gain sufficient popular support to win the mayoral election in December 2006 and later, skilfully secured unanimous support from various local political factions to successfully pass an unprecedented package of anti-corruption measures. Interestingly, and largely due to his non-political background, the mayor previously had only limited knowledge of public management and local government processes and structures. Thus, various features and elements of New Public Management (NPM) and good governance principles were implemented as a matter of pure coincidence and rather as a by-product of the concrete anti-corruption measures. Compared to a limited number of similar anti-corruption strategies that can be identified in other local governments in Slovakia such as in Sala, Martin has been the first local government to carry out such a multi-faceted approach to fight and prevent corruption and, at the same time, to uphold the principles of good governance.

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*For more information on Sala 2.0, see [http://www.sala.sk/cms.article/default/796/sala-2-0-v-spojeni](http://www.sala.sk/cms.article/default/796/sala-2-0-v-spojeni).*
By doing so and thanks to national media, Martin has now become a well-known case study and an inspiration for other municipalities and mayors throughout Slovakia and abroad.

With the exception of the Sala case study, the author identified two other international case studies worth mentioning: Mangalia (Romania) and La Paz (Bolivia). Balta provides a useful narrative of the Romanian City of Mangalia and one can draw parallels between the Romanian city’s transition following an election victory of Mayor Zamfir Iorgus in 1996 (Balta, 2002) and the transition of the town of Martin following the election victory of Andrej Hrnciar in 2006. Another and perhaps one of the best known case studies of implementation of anti-corruption measures in local government in the world, is the effort of the then mayor of La Paz, Ronald MacLean Abaroa, in the late 1980s. Both Iorgus and Abaroa managed to transform their cities during their terms in office. While Iorgus implemented management reforms and set clear and perhaps populist targets, Abaroa and Hrnciar concentrated on the delivery of anti-corruption measures in unique and unprecedented ways.

The paper will now explore all stages of the Martin anti-corruption project including the situation before, policy initiation, policy formulation, policy implementation and impact, together with reactions. The project was also officially divided into three phases:

- First phase: May 2008 – August 2008; included an audit of selected policies of the town.
- Second phase: September 2008 – April 2009; included the preparation and approval of anti-corruption measures in selected town policies.
- Third phase: May 2009 – today; has included the implementation of accepted measures into everyday life.

(Martin Town Hall, 2010)

**Situation previously**

Martin had previously been a typical example of a larger Slovak town – facing common problems to other towns and cities in post-communist transition: lack of job opportunities following closures of industrial and subsidised plants, high level of corruption, lack of trust in public institutions, and limited public participation, just to name but a few. Martin had a long serving mayor who did not have a bad record of corruption but who was, nevertheless, seen as having an authoritative and directive style of leadership (Jacko, 2009). The 2006 election brought together three strong candidates, all representing different political programmes and visions (left, right, independent). Hrnciar, a theatrical actor by profession and a director of the Martin Town Theatre at the time was a political outsider without any political party support and
prior political experience. Nevertheless, Hrnčiar managed to win the election with 32.7 per cent of the votes (5379 votes) which was more than a thousand votes ahead of the then mayor. Hrnčiar’s main political advantage was his clean political record. Based on the interviews conducted, voters in 2006 were tired of party politics and wanted an independent candidate instead. Interestingly, Hrnčiar’s election manifesto compared to Jozef Meciar’s did not include the Transparent Town project and/or open government and anti-corruption policies (Jacko, 2009). Jozef Meciar did not stand as a mayoral candidate but instead as a council member candidate.

According to the audit carried out by Transparency International Slovakia (TIS, 2008) which was part of the project, the town hall showed limitations in almost all of the 17 policy areas. The public had previously only very limited options to control, check and hold their elected representatives or Town Hall employees accountable. According to Hrnčiar, tenders had previously been won only by a small group of contractors and were heavily overpriced. Furthermore, the mayor himself had been approached by public procurement bidders who tried to pressure and corrupt him (Hrnčiar, 2009). According to Hrnčiar, he as a political newcomer, needed some time to familiarise himself with all the necessary local government processes and procedures and also have his predecessor’s deals and decisions audited. He then came to the conclusion that it would be necessary to implement far-reaching measures in order to secure lasting transparent and open government principles in the town (Jacko, 2009; Martin Town Hall, 2010; Hrnčiar, 2011).

Initiation

It was February 2008 when the Martin Town Mayor, Andrej Hrnčiar, contacted the then President of Transparency International Slovakia (TIS), Mrs Emilia Sicakova-Beblava, and showed his interest in anti-corruption measures being applied in his town. Following advice from TIS, Hrnčiar decided to implement a complex project, covering all areas of local government prone to corruption. In May 2008, the Martin Town Council agreed to pay TIS €23,300 from the town’s budget to deliver the project. The project and its initiation stage is rather extraordinary regarding its timing. The landmark project was initiated in early 2008 despite not being included in Hrnčiar’s 2006 election manifesto and further, it was more than a year after Hrnčiar had taken office that he contacted the TIS President (Jacko, 2009). We could apply Kingdon’s concept of windows of opportunity (1995), who argues that such windows open in policy systems but stay open only for short periods of time and hence a policy initiator must make use of the advantage
while it is there to be taken. His politically neutral background, largely supportive Town Council at the time, and his superior communication and persuasion skills and last, but not least, the then absence of the economic crisis, allowed him to introduce such radical measures (Jacko, 2009).

**Policy formulation**

Despite the overlap between the proposed anti-corruption measures and new public management (NPM) and good governance principles, the main purpose of the project was not to bring Martin Town Hall’s administration processes in line with the ideas and philosophy of NPM and/or any other public management trends. Instead, the TIS team devised an unprecedented blueprint document which included specific recommendations for 17 town policies (Figure 3) that covered all areas prone to corruption in the town (TIS, 2009). Rather than follow managerial manuals, NPM and governance literature, or texts covering organisational leadership, TIS focused on Robert Klitgaard’s famous, yet simplistic, formula¹⁰ as a basis for their policy formulation (Klitgaard 1998; TIS, 2008 and 2009). The resulting policy document (TIS, 2009) had 130 pages and included general recommendations, together with specific policy formulations and document drafts.

**Figure 3: Town Policies Subject to Anti-Corruption Measures¹¹**

1. The policy of sale of fixed and non-fixed assets.
2. The policy of rent of fixed and non-fixed assets.
3. The policy of hiring new employees for the town hall and other town organisations.
4. The policy of the public’s participation in municipality decision-making.
5. The policy of access to information on how the municipality runs.
6. The policy of ethics – ethical infrastructure and conflict of interests for elected town representatives.
7. The policy of ethics – ethical infrastructure and conflict of interests for town employees.
8. The policy of ethics – ethical infrastructure and conflict of interests for town organisations’ employees.
9. The media policy.
10. The policy of a zoning plan and building office.
11. Additional town policy.
12. The policy of transparency with a corporate entity founded by the town.

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¹⁰ Klitgaards’ formula for analysing the tendency for corruption to exist: Corruption = Monopoly + Discretion - Accountability

Once TIS delivered their anti-corruption blueprint, recommendations and policy formulations had to be approved by the relevant Town Hall departments. Martin Town Hall’s Manager was in charge of consolidation. She and senior Town Hall officials scrutinised all the recommended policies and if required, adjusted them to fit the Slovak legal system. Once checked and ready to be passed, the mayor called an extraordinary council meeting in May 2009, which had only one issue on the agenda: the anti-corruption package.

**Implementation**

The anti-corruption package was successfully passed and won votes from all the councillors. Both TIS and Town Hall representatives agreed that if one compares the package which was voted on with the original recommendations devised by TIS, there is an approximately 80 to 90 per cent overlap (Jacko, 2009). The vote in the Council signalled the beginning of the implementation stage (or third phase of the project). The Town Hall soon began to follow new measures, such as the Ethical Code for all employees of the Town Hall; new procedures covering the hiring of staff; proactive provision of information; electronic public procurement and e-auctions; electronic disclosure of town contracts and invoices; etc. (Martin Town Hall, 2010). As well as the official anti-corruption package, the Town Hall began to organise and add new anti-corruption and good governance features, such as open days, information campaigns, map of electronic auctions, and an electronic market research tool to name but a few.

**Impact and Reactions**

The prestigious United Nations Public Service Award, numerous home and international endorsements and also first quantitative data showed that Martin’s officials seemed to be right when portraying their project as a success. One of the clearest benefits and outputs of the project has been, similarly to Sala, significantly lesser costs in the public procurement process due to the introduction of electronic auctions. Between July 2009 and December 2011, the Martin Town Hall saved 586 232 EUR, which accounted for 20% of the originally anticipated costs of
procured goods and services. Amongst other identified benefits were increased transparency and accountability, increased public engagement in local governance, town prestige leading to more investment, and benefits to a wider society (Jacko, 2009). One of the later e-government innovations in Martin was a historic e-referendum which took place on 10 March 2012.

Quantitative data showing the positive outputs of the Martin project also include the number of website visitors, citizens present at open days and the number of firms providing goods and services through public procurement. Prior to electronic auctions and the new rules being introduced, the town had been paying and contracting just a handful of companies (Hrnciar, 2011). The situation significantly changed and the town’s procurement database later included more than a hundred firms which were contracted and delivered services and goods for the town. Furthermore, according to the MVK agency, which conducted an opinion poll on a representative sample of 200 Martin’s inhabitants in September 2010, 38.4% of Martin town inhabitants considered the project to be excellent or beneficial; 28.8% had not heard of the project; 19.7% had heard of it but felt indifferent; 12.6% thought that it neither helped nor hindered and only 0.5% of respondents considered the project to be negative (MVK, 2010; see Figure 4).

Among the benefits to wider society is the Martin’s project impact on other municipalities in Slovakia. A number of municipalities followed the example set by Martin and either contacted TIS to deliver a similar scheme or decided to deliver the project themselves without the need to consult with external organisations (similar to Sala). It should be noted that one of the main topics of the recent November 2010 local election in Slovakia was the fight against corruption. Quoting the Martin example, a number of Slovak towns had commenced similar anti-corruption schemes prior to the election (e.g. Roznava, Prievidza, Ziar nad Hronom), whilst others have since contacted TIS for advice and cooperation and have publicly announced such plans (e.g. Bratislava, Banska Bystrica, Ruzinov, etc.).

12 For more information and data, see www.transparentnemesto.sk.
Conclusion

The paper explored and compared two successful anti-corruption local governance initiatives in the Slovak towns of Sala and Martin. The government decentralisation process, which commenced in 1990, has acted as a double-edged sword. On the one hand, it granted a considerable amount of freedom to local governments, which could individually pass such positive governance reforms as the two presented case studies. However, on the other hand, it made corruption, nepotism and mismanagement flourish in some other, especially the smaller 2,900 municipalities.

Both case studies showed that in order for anti-corruption measures and local governance reforms to be passed, they have to be advocated by the town executive. Interestingly, both demonstrated that even one person with enough political power and skill can make a difference in the running of Slovak local government. The Sala case study showed that bottom-up governance initiatives can also be successful to some extent, but in order to deliver a greater impact, they need to have the necessary support of the town executive or the town council. Sala’s case also indicated that local elections can be won on an anti-corruption ticket and that local
governments can have the capacity to deliver pioneer governance reforms themselves without the need for external professional organisations and consultants. However, an anti-corruption guru in the town’s executive is a must. The case study also showed that even basic incremental changes can deliver positive local governance outputs. On the other hand, the Transparent Town project in Martin, a typical example of a top-down initiative, had not been included in the election manifesto and was initiated by an independent and previously politically inexperienced mayor a year after his election. It is an example of a professionally and externally engineered complex local governance reform which also came into fruition and delivered rapid changes and positive governance outputs. However, in this case, Martin Mayor’s leadership style and personal skills played a significant role during all stages of the project, including the initiation, implementation and overall success.

Questions
a) Which of the two contrasting ways of fighting corruption and delivering more transparency presented in the case study seems more effective? Which of the two ways is more likely to be implemented in your country?
b) Think of other and alternative ways of delivering similar anti-corruption measures in local government. Consider original and innovative approaches too.
c) Think of anti-corruption measures and their implementation in your country’s local government. Are there any known examples? How successful were they?

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Case Study 2: Evaluation of the Publicity of Local Self-Government

Volodymyr Vakulenko

Introduction

The idea to measure a Publicity Index of local self-government was elaborated in 2011 by activists of the Civil Network OPORA in Lviv. For several years this organisation has been implementing campaigns and special events aimed at ensuring openness and transparency in the way bodies of local self-government and state authorities function in Ukraine. Moreover, OPORA endeavoured to establish a network of NGOs promoting a watchdog activity. In particular, in 2009, a specialised Watchdog School (based on David Kolb’s learning cycle technology) was launched and a guidebook in Watchdog activity was published by OPORA.

In their everyday activities, non-governmental non-political organisations often experienced a lack of complex methodology, providing a unifying tool for identifying and regular comparison of publicity of local self-governments in different cities. Such a tool would not just raise NGOs’ capacity in performing their controlling function but also would help to elaborate specific recommendations for local authorities with regard to their public openness, transparency and accountability. That is how the idea of the Project Measuring “The Index of local self-government’s publicity in Ukraine” was born, including the development of a relevant tool – Publicity Index – and putting it into practice.

The methodology was elaborated by OPORA’s activists and later improved thanks to the efforts of 10 regional partners, who evaluated the publicity level of local self-governments in 2013.

A Partner Network for the Publicity Index measuring campaign covered non-governmental non-political organisations which have experience in running civic monitoring and assessments of local self-governments, are politically independent and have declared no conflict of interests with the objects of monitoring research.

From 2014 all oblast centres of Ukraine were the object of monitoring (with the exception of the AR Crimea).

It is the methodology "Measurement of the Indicator of Publicity of Local Self-Government in Ukraine" that it is proposed to take as the subject of the study of this case, as well as the possibility of its dissemination in all cities of Ukraine.
What Is the Publicity of Local Self-Government?

By the notion of “publicity of local self-government” we mean a set of management and political measures implemented by the authorities and local self-government bodies in order to guarantee fully open and benevolent relations with citizens as well as to raise the overall level of credibility in municipal institutions on the part of community. In democratic societies, it is common to consider the government’s publicity as a basic indicator of good governance and an efficient mechanism to combat corruption. It is also believed that the publicity of government institutions has a positive impact on living standards, especially at the local level where the authorities are much closer to the citizens and render basic public services to them.

The research uses the term “publicity” to mean a complex notion including three interrelated principles of good governance – transparency, openness and accountability. Transparency implies the process when the municipalities themselves initiate publicising important and actual information about their staff and structure, plenary powers and functions, finances, current activities and plans, political initiatives and decisions voted, services rendered to citizens, as well as other information that is of public interest. Government’s openness is seen as a process of offering free access to information at municipalities’ disposal and promoting active citizen participation in direct communication and regular dialogues on policies’ development at the local level. The notion of accountability of authorities covers a process of systematically informing the public about the results and efficiency of municipal institutions’ performance, the use of public resources and budgetary funds.

What Are the Objectives of the Publicity Index of Local Self-Government?

The Publicity Index of local self-government is a practical tool that helps to complexly evaluate and compare the level of transparency, openness and accountability of local municipal institutions in their interaction with citizens. In broad terms, the measuring campaign aims to demonstrate the public dimension of decisions made and policies implemented by municipalities, as well as to highlight the contribution of major self-government bodies into this process, in particular the mayors, executive bodies and local council deputies.
**What Is the Object of Publicity Index Measuring?**

The principal objects evaluated during the measuring campaign within the Publicity Index are mayors (as the main city official), executive bodies of the council (bodies authorised to carry out executive and managerial functions), and city council deputies (deputies, as a representative body in the system of local self-government). The publicity of each of the objects was evaluated according to a 100-grade scale whilst the overall Publicity Index is an aggregate sum of these three scores (see Table 1). The value of each of the objects under analysis was determined with respect to the powers and political functions of local self-government bodies and officials in terms of the publicity dimension of their work.

**Table 1**

<table>
<thead>
<tr>
<th>Objects under measurement</th>
<th>Value, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publicity of a City Mayor</td>
<td>30</td>
</tr>
<tr>
<td>Publicity of executive bodies</td>
<td>35</td>
</tr>
<tr>
<td>Publicity of deputies</td>
<td>35</td>
</tr>
<tr>
<td>Total Publicity Index</td>
<td>100</td>
</tr>
</tbody>
</table>

**What Were the Indicators to Measure the Publicity Index of Local Self-Government?**

The notion of “publicity” was divided into three cumulative components of transparency, openness and accountability for each of the monitoring objects (the mayors, executive bodies and deputies). The cumulative indicators are based on 210 operating questions which cover a wide range of functions and policies led by local self-government bodies and officials. In particular, questions include aspects that assess access to public information, presentation of tax declarations, transparency of the human resources policy, making public all city master plans and target-oriented programmes, transparency of the budgetary process, release of regulatory legal acts, visits of citizens, access to the offices of municipalities, openness at meetings of the municipality’s collective entities, functioning of the mechanisms of citizens’ participation, reporting procedures, openness of executive committee performance, content update of official websites, transparency of land auction and regulatory policy of a city council, and availability of administrative services, etc. For the sake of convenience, all operating questions were grouped into 13 parameters covering 23 indicators (see the Measurement matrix).
Which Sources and Information Collection Tools were used for the Measuring?

The measuring is based on the analysis of initial empirical data collected by the monitoring team through:

- submission and processing of answers to information request letters,
- content analysis of official webpage and printed media of the municipalities,
- monitoring visits to municipalities, experiments and direct observation over the work of local self-government bodies and officials,
- analysis of regulatory legal acts adopted by self-governments.

During the measuring campaign, the participants were submitted circa 400 information request letters for public information in different forms and conducted circa 200 monitoring visits.

How was the Data Processed?

The data obtained by observers on each of the 210 operating questions were entered into a specially designed evaluation form. Each answer was normalised, i.e. it was assigned a numerical expression according to a 5 grade scale (0, 25, 50, 75 or 100 scores) within a 100 scale where “100” stands for a high level of publicity standard compliance. All answers were “valued” and were assigned a value quotient with respect to their significance in terms of the implementation of the highest possible publicity principle. Thus, the questions concerning accountability practices, citizens’ participation and access to public information have more “value” than the issues on availability of personal or contact data for executive body heads.

The final score (F) for each of the questions is calculated according to the formula:

\[ F = \frac{\text{SCORE}_{\text{act}}}{\text{SCORE}_{\text{max}}} \times V_q \]

where the \( \text{SCORE}_{\text{act}} \) is an actual score for the question,

\( \text{SCORE}_{\text{max}} \) is a maximum possible score for the question,

\( V_q \) – a Value Quotient for the question.

Value quotients for the Publicity Index (in accordance with the parameters):

<table>
<thead>
<tr>
<th>Publicity parameters</th>
<th>Value, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Mayor publicity</td>
<td></td>
</tr>
<tr>
<td>Transparency of the mayor’s performance and implementation of his</td>
<td>19</td>
</tr>
</tbody>
</table>
The scores obtained for each question were summarised for each monitored object (mayor, executive bodies and deputies), as well as for the three individual subgroups within these objects – principles (transparency, openness, accountability), parameters (13 in total) and indicators (23 in total). Total estimates for each object and subgroup (principles, parameters,
indicators) were further translated into percentage terms demonstrating the degree of implementation of due standards and publicity norms in practice. In other words, the percentage indicates the correlation between a planned indicator (standard) and the actual publicity level. Therefore, the sub-indices of City Mayor publicity, executive bodies’ publicity and the publicity of deputies present the percentage sum of all final scores assigned to each answer to operating questions for each object being monitored.

To rate the municipalities, we also incorporated the interval scale (the ‘traffic lights’ principle) where cities with a rating of 0-40% are classified as non-public, 41-60% – low publicity levels, 61-80% – satisfactory publicity levels, 81-100% – for public cities. This approach is more accurate to show the actual levels of municipality publicity.

**What Normative Base was used to develop the Indicators System?**

Indicators and evaluation questions were developed on the basis of norms of Ukrainian law, international democratic standards and successful practices on different aspects of publicity of municipal authorities. The freedom of information principle is fundamental in the indicators system as it is based on the citizens’ right to receive information from the bodies of state public administration (and institutions that perform public functions) and on the duty of these bodies to publicise and offer information. The “right to know” concerns all information in any form created and obtained by authorities and related to any of their public or administrative functions.

In particular, the key international documents underlying the identified principles and standards of freedom of information are the following:

- European Charter of Local Self-Governance (1985);

The legal basis to develop the systems of indicators consists of the following national regulatory legal acts:

- The Law of Ukraine ‘On Access to Public Information’
- The Law of Ukraine ‘On Local Self-Government in Ukraine’
The Law of Ukraine ‘On Preventing and Combating Corruption in Ukraine’
The Law of Ukraine ‘On the Status of Local Council Deputies’
The Law of Ukraine ‘On Public Service’
The Law of Ukraine ‘On the Local Self-Government Office’
The Law of Ukraine ‘On Administrative Services’
The Law of Ukraine ‘On the Principles of State Regulatory Policy in the Sphere of Economic Activity’
The Law of Ukraine ‘On Requests from Citizens’
The Law of Ukraine ‘On the Capital of Ukraine the Hero City Kyiv’

[1] Public interest means that the public can enjoy the benefits (advantages) from certain information becoming public.


Questions for discussion

- What is the Advantage of Measuring the Publicity Index for your city (town)? What are the weaknesses of such Index?
  - Does the Publicity Index include a comprehensive system of indicators that allow anyone to regularly evaluate and compare the quality of governance by local self-government bodies and officials in terms of their publicity? What indicators would you add?
  - Does the Publicity Index of local self-government act as a preventive function in cases of (preventing) corruption abuse and violations of human inhabitants on freedom of information?
  - Assess the activities of local authorities in your city through the use of index publicity and provide suggestions for improving its operations.

References

4. Reform Support Centre at the Cabinet of Ministers // http://centre-reform.org/novini/