



Civic participation in decision making fights corruption: Practices on local level

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Abstract

One of the tools in fighting the corruption is the transparency and accountability of the policy makers and increased participation of the citizens in the decision making process, especially on local level. Therefore, in order to suppress the conditions that stimulate corruption, the process needs to be both inclusive (meaning to equally involve the citizens concerned by a particular decision) and transparent (meaning it has to provide mechanisms for financial control, publicity and monitoring of the policy implementation, especially with regards to the municipal budget and public procurements). This paper is result of a research which, using these parameters, was implemented for few months in five municipalities in Skopje (Municipality of Centar, Municipality of Karposh, Municipality of Chair, Municipality of Gazi Baba and Municipality of Aerodrom) as urban cores in which we assume the awareness about the role and relevancy of the civil involvement in the decision making process is greater, including the existence of practice for financial accountability. The purpose of the research was to identify the best practices but also the gaps in the process of participation of the citizens on municipal level and identify opportunities for financial control by the citizens over the municipal acts. In parallel, the findings were benchmarked against the EU member state practices and they identified the areas on which the attention should be focused in the future. Undoubtedly, the first step is open and constructive debate about the mechanisms and manner of strengthening of the transparency on local level thus instigating increased participation of the citizens in the decision making process. The findings are only indicative and they do not relate only to the municipalities that were researched - those municipalities were only a sample on which the methodology was tested. The recommendations are generally applicable and they apply to all local self-government units in Macedonia but are also useful for institutions developing and making public policies.

Key words: Democracy, Participation, Inclusion, Decision – making process, Local administration, Republic of Macedonia

Introduction

The corruptive practices in the public and private areas depreciate the trust which is necessary to maintain and develop stable economic and social relations – they destroy the fundamental values enshrined in the basic legal acts. The corruptive behavior is contrary to the rule of law, democracy and human rights since it is humiliating the good governance, fair approach and social justice, destroys the competitiveness, economic development and stability of the democratic institutions and undermines the moral bases of the society. According to the Macedonian legislation,ⁱ the corruption is incriminating on various grounds and touches different social segments so this requires the fight against this evil to be taken on multiple fronts. In that regard we have the recommendations from the EU, Council of Europe and United Nations emphasizing the corruption as one of the biggest problems globally.ⁱⁱ

The starting point of this research was the assumption that one of the manners for fight against corruption is transparency and accountability of the policy makers as well as increased involvement of the citizens in the decision making process, especially on local level.ⁱⁱⁱ Therefore, in order to suppress the conditions incentivizing the corruption, the process needs to be both inclusive (meaning to equally involve the citizens concerned by a particular decision) and transparent (meaning it has to provide mechanisms for financial control, publicity and monitoring of the policy implementation, especially with regards to the municipal budget and public procurements). Therefore, the main purpose of the research is to establish the good practices but also the gaps in the process of citizen involvement on municipal level, and the possibility for financial control, by the citizens, over the municipal acts. In parallel with this, the findings of this process are to be benchmarked against the EU member state practices.

We expect the research will provoke interest and open a discussion about the mechanisms and manner of improving of transparency on local level. The research results should raise the awareness among the municipal administration on the importance of introduction of good practices in managing public finances on local level – which is a prerequisite for reduced corruption – and will recommend introduction of protocols, procedures and rules for better participation in the process of policy making and monitoring of the budgets on local level, including control over the eventual corruption, conflict of interests and nepotism among public officials.

The research focus

The involvement and participation of the citizens in the decision making process, the transparency and accountability are the basis of every democracy and prerequisite for reduction of the corruption. This approach includes documents, protocols and procedures that not only enable the involvement of the citizens in the process of development of local policies but also timely and accurate reporting about the outcomes of the participatory process, publicity and accountability of the financial operation of the municipality, especially regarding the implementation of the fiscal policies, adoption and implementation of the Municipal Budget. In that regard, the research focus is on the inconsistencies that exist in the decision making process on local level, from the aspect of lack (or insufficient) civil involvement and inability for true financial control that will be implemented by the citizens. Furthermore, in addition to identification of the gaps, the paper emphasizes the best practices of the current mechanisms for civil participation and control, provides proposals for their improvement thus helping in the reduction of likeliness for corruption of the administration on local level.

Although the legal framework in the Republic of Macedonia stipulates that the direct involvement of the citizens in the policy and decision making process should be part of the common municipal practice^{iv}, there is a lack of established rules, procedures and protocols for proper implementation.

Theoretical framework

The quality of the local self-government became relevant again at the beginning of 21st Century. In the last decades of the 20th Century, the local governments that had tradition in managing local affairs have acquired additional competencies, more resources and autonomy while others acquired completely new competencies, in contrast to decades of centralized management. Therefore, the decentralization of the tax, administrative and political competencies drove the local government towards greater effectiveness in the implementation of the public works and more democratic in the decision making process (Grindle 2009).

There is no widely accepted definition for democracy. In general, we can say that democracy is a form of social establishment that helps the protection of the citizen freedoms and in the maintenance of minimum public goods necessary for implementation of the civil objectives. It is argued that the traditional institutions of democratic decision making are less and less successful in involving citizens in political processes, despite the higher levels of education (Fishkin 1991; Dryzek 1990). In that regard, the “*deliberative democracy*” phrase started to occur at the beginning of the 80s. It is a political approach focused on improving the nature and form of the involvement in the policy making process. The deliberative democracy is a modern form of social establishment which:

- Stimulates the sense for civil efficiency
- Generates care for the collective problems
- Encourages the establishment of aware citizenship which is capable of acting for the general good. (Cronin, 1999)

The German philosopher Jürgen Habermas is the person in this theoretical movement. According to him, the democracy is method of communication i.e. the democratic legitimacy derives from the free, public and rational discussion carried out among competent citizens that mutually agree in the context of openness and equality (Habermas 1975, in Hague and Harrop 2009)

Although this definition is about much wider spectrum of attitudes, its key representatives use it to emphasize the political approach focused on improvement of the quality of democracy i.e. of the nature and form of the political participation, and not only of its robust enlargement (Held 2008).^v Deliberative democratic innovations can provide answers to some of the most perennial problems of democratic theory, such as informing and educating the public, creating opportunities for citizens to shape policy and restoration of citizens’ trust and engagement in politics. Using mechanisms such as citizens’ juries, consensus conferences and deliberative polls, deliberative democratic approaches can bring affected citizens into partnership as decision – makers through dialogue – based processes of policy – development that include agenda setting, policy design and implementation (Harris and Schon-Quinlivan 2010).

The theoreticians favoring the deliberative democracy praise the intellectual debate, the public use of the ratio and neutrality, the impartial quest for truth (Held 2008). The key question in the deliberative democracy is: Why are we adopting the attitudes we adopt and

can we defend them in a situation of complex social arrangement which is consisted of people with opposed priorities?

The democratic theory needs to improve the quality of the citizenship through:

“Emphasizing of the refined and reflexive priorities, instead of spontaneous and contextually conditioned priorities. ‘Reflexive priorities’ refers to... priorities that are outcome of the conscious confrontation of one’s attitudes with opposing attitudes, or the multitude of attitudes the citizens can identify within themselves through reflection. This reflection can be eased through agreements that overcome the monological loneliness of the voting act, by completing this necessary manner of participation with more dialogical forms that make it possible to hear the voice of the voters” (Offe and Preuss, 1991: 170, in Held 2008: 301)

According to the above, the democratic theory should reflect not only on the contexts in which the citizens shape their attitudes and test their opinions, but also on the types of mechanisms that exist in the democracies that boost the current attitudes and help create new ones. However, according to Held, the democratic theory must shift from the exclusive focus on the macropolitical institutions towards research of a multitude of different contexts of the civil society, some of which prevent and other cherish the deliberation and the debate (Held 2008).

In order to deal with the reality of the policy, we have to show the connection between the social context and the political establishment that reflect the various levels of meeting of needs of the citizens. Same institutional arrangements can produce complete different level of satisfaction due to different historical, cultural and psychological factors. According to political theorist Thomas Edward Cronin (1999) (who equalizes the direct democracy with the deliberative democracy), the process of direct democracy is not about the governance of the common people but the direct democracy tools empower, from time to time, those interested to influence the public policy by publically speaking up their standpoint.^{vi} Although the direct democracy methods do not change drastically the nature of the political process and do not prevent the widely spread forms of injustice, according to Cronin, this type of democracy has some advantages, especially since it enables greater control of the corrupted officers.

Therefore, the social deliberation is one of the manners through which the inclusiveness policy is achieved. According to this tendency, the policy should include, on the basis of equality, all citizens who have their interests in conflict and can be affected with

the decision making in the democratic process. This ensures greater control over the public authorities and provides opportunity to hear the voices of those which are commonly not taken into consideration in the decision making process.^{vii}

The inclusiveness policy shows results if the democratic process is product of rules which provide, to the maximum extent possible, the following: involvement in the discussion for those directly concerned by the discussion; freedom for the participants to express themselves; equal opportunities under which such participation and involvement is carried out; satisfying of the requirement the proposals to be properly justified; the level up to which the debate is more moral instead of being a pure presentation of interests; avoidance of “frozen majorities”;^{viii} higher level of majority respecting the decisions; possibility for change of the decision, etc. (Santiago Nino 1996).

In the deliberative democracy, the leading idea is the openness and honesty, and in open debate the arguments based solely on private interests are very quickly identified and devalued. The theoreticians supporting the deliberation deem that solutions acceptable for everyone can be reached only through free and honest discussion, allowing for the stronger argument to prevail, not the stronger participant. The authentic debate makes it possible to create the public opinion, not just express it – this is the way in which the collective will is built, this is the manner in which the reason can triumph over the interests and the voting must not be substitute for authentic debate (Hague and Harrop 2009).

The decentralization, for example, might be necessary not only to enable direct democracy (as aspect of the deliberative democracy) but also to ensure that those that will have their interests threatened, will be involved in the decision making process. The civil society and the deliberative democracy a kind of panacea – universal cure/ response that could balance the public and private, the individual and social, which can help to overcome the individualism and ensure freedom and pluralism (Silianm 2002). The involvement of the various segments in the society in the decision making process (the business community, the NGO sector, the civil associations...) provides for integration of a number of options with regards to various policies, coherency of the policies and responsibility towards the community i.e. transparency and accountability for the decisions, for the activities implemented and the results of the same.

According to Carlos Santiago Nino (1996), Argentinian moral, legal and political philosopher, the direct democracy should be mandatory whenever possible because the direct

democracy strengthens the epistemological value of the democracy and helps to bring the historical constitution to some ideal. There are many standard methods for direct participation such as plebiscite, referendum, initiative, impeachment, etc. and the plebiscites and the referendums (which should be carefully regulated so they are not used to increase the executive power) implemented on national, provincial and local level, are maybe the only way to overcome the pressure from the interest groups or the incompetency of the politicians. However, according to Santiago Nino, differentiation must be made between the methods of direct democracy and the process of the original practice for moral discussion. While the direct democracy involves direct expression of the voice of the votes with regards to specific issues or regarding the work of the authorities, it does not reflect the true discussion. The participants simply answer with “Yes” or “No”. Taking into account those remarks, the traditional methods of direct participation in the decision making process do not drastically improve the general tendency for adoption of more fair decision. This progress can be expected only if majority of the original process of the moral discussion is replicated in the political process. We need to ask ourselves – is this possible, in a large and heterogeneous community facing with complex issues typical for the modern industrial and postindustrial societies? Of course it is possible, says Santiago Nino and one of the ways to achieve it is to use the latest technology or the social networks, although the level to which the sharing of ideas, arguments and oppositions can realistically happen between millions of people, is highly uncertain.^{ix}

The modern democracy is a “forced choice between politically equal but relatively incompetent masses, and political unequal but relatively quite competent elites” (Fishkin 1991: 1, in Held 2008: 301) deems James Fishkin, one of the pioneers of the deliberative democracy. However, the epistemological value of the democracy is also reduced with the weak quality of the public debate. The discussion about the political system principles, about the general attitudes towards the society and about the solutions on how to deal with the social problems, is often replaced with initial prejudices about the candidates, with extremely unclear statements about the standpoints and with a lot of emotions. (Fishkin 1991). However, the public debate is not only determined from the dynamics of the political system but also from the mass media dominating the political process and not contributing towards a serious moral debate.^x The weakening of the public discussion is also caused due to the lack

of access to the mass media. Having equal approach is essential for quality of the public discussion because it is equivalent to Athenian Agora (Santiago Nino 1996).^{xi}

Nevertheless, the goal of the deliberative democracy is clear – to improve the process through which the citizens will influence the decision makers and the policy makers, and to improve the mechanisms through which the politicians are informed about the standpoints and priorities of the citizens. The citizens must be informed, consulted and actively involved in the decision making and policy making process. This leads towards better public policy, greater trust in the institutions, stronger democracy. This makes a transition from “government” towards exercising of power – a partnership with the citizens in the adoption and implementation of the political decisions (Cronin 1999).

In that regard, the participation of the citizens ensured through various forms of consultations should be: effective (timely), quality one (to provide additional information and assessments from ‘external’ sources), to summarize and publish the results of the consultations and the effects achieved. The participation should be ensured in all phases of the policy making (identification of the issue, development of the policies, decision making, implementation and evaluation). It can be implemented in various ways, such as: involvement of citizens in consultation bodies (working groups), workshops, seminars, conferences, public hearings, reception days, round tables, advisory bodies, etc. (Cronin 1999).^{xii}

The inclusiveness i.e. the increased involvement in the decision making process enlarges the range of possible involvements, increases the legitimacy of the political decisions and strengthens the relations between the administration and the citizens, including among the citizens (bottom up approach) and provides opportunity to select the most appropriate from the majority of proposals. However, according to Santiago Nino, the issue of inclusion of the stakeholders in the decision making process is one of the most problematic issues, especially from the aspect of implementation of these determinations. In addition to the decentralization which is necessary in order to provide the possibilities provided by the direct democracy, the issue of inclusion is now related to the issue of citizen’s capacity. The person concerned by the issue must have the minimum capacity to identify the interest, to emphasize it and try to justify it in front of the other (Santiago Nino 1996).^{xiii}

In order for the system to work, the following prerequisites need to be met: democratic public culture and representative institutions; relevant civic education and awareness; pluralism of values – taking into consideration the opinions and facts of others;

putting own view into critical relation with the views of others, defining and defending of the own priorities.

Although to many the view of Santiago Nino on the democracy is utopian in nature, since the contemporary democracies do not have the institutional characteristics necessary in accordance with the epistemological theory of democracy, he is strongly defending his standpoints. In his words, imperfect as they are, the democracies in Western Europe, they emphasize a significant level of characteristics with regards to open, free discussion and popular participation, which gives epistemological quality to the majority decisions (Santiago Nino 1996).^{xiv}

Undoubtedly, the participation of the citizens i.e. the consultation process does not replace the traditional democratic forms of decision making, but reaffirms them! Although the criticism is informative in nature and not decisive, the attitudes of the majority are possible indicator for the balance point of the arguments in the moment of choice. According to John Dryzek, the public problems require shifting of the decision making quality towards the center of the debate and creation of public stage in which the private priorities are not treated as fixed but as prone to transformation, in the light of identification of the general interests using arguments and justifications (Dryzek 1990: 54, in Held 2008). Except Dryzek, who bases his work on the experiences of the Frankfurt School, emphasizing refined and reflective preferences deliberative theorist such as Habermas, Barber, Elster, Fishkin and Yung, argue that democratic processes and institutions should be built around “reasonable” political judgment. According to Jurgen Habermas, the rationality should not be seen as mean used by the individuals to manipulate the others but as a mean that assists the coordination of the social actions. In a situation of ideal deliberation, no force is used except the force of the better argument (Habermas 1976: 8, in Held 2008: 306).

The deliberative paradigm takes as a main point the democratic process which needs to ensure legitimacy through procedures for opinion making and wills, which guarantees the following:

- Publicity and transparency
- Inclusion and equal chances for participation
- Assumption that reasonable outcome will be reached (mainly with regards to considering of the arguments during rational change of the preferences) (Bohman 1996; Bohman and Rehg 1997, in Habermas 2007).

In order to reach a reasonable outcome, the assumption is that the institutional discourse should meet the following three functions:

- Mobilization and merger of relevant public topics and needs, the necessary information and the relevant contributions
- Selective assessment on the basis of articulated reasoning, without frauds and violences
- Introduction of rationally motivated reactions “in favor” and “against” that predetermine the outcome of the procedurally correctly adopted decisions (Habermas 2007).

“The deliberation is the required form of communication, although it stems from normal, daily routine in giving and requesting reasons. In the course of the everyday practice, its actors are *always* exposed to specific summary of reasons. They cannot do anything else than mutually increase the justification of the requirements in their notions to *accept* and, if necessary, to *prove* that those requirements (needs) are true, just and serious and, in any case, rational. The implicit referral to the rational discourse (or competition for better reasons) are integrated in the communicative action as omnipresent alternative of the routine behavior” (Habermas 2007: 8).

The consultations and the participation help to make better and justified decisions that strengthen the democratic process and reduce the chances for corruption. However, the participation *per se* does not completely fix the gaps of the common, majority democracy. It can even make them bigger. Except for Fishkin (Fishkin 1991: 21) and for Filip Pettit, in addition to political control over the political issues, it is necessary to also improve the political reflexiveness and argument (Pettit 2003: 154 in Held, 2008).

But what is the morally correct decision in a given situation? There is rarely single answer to this question. Perfect answers are impossible. The morally “proper” response of a single administrative dilemma will differ depending on the factors taken into account in the decision making process. The assessment of various factors will create various responses where each response will be “produced” in accordance with its rules, says Bryan Murphy (Bingam *et al.*, 2009).

“The public administration combines the art of policy with the principles of the management. It is a marriage of need, not of love. In ideal situation, the policy includes decision making in the interest of the public; the management must ensure

their efficiency. Both objectives are not always compatible. The most efficient decision is not always in the interest of the public” (Bingam *et al.*, 2009: 190).

It goes without saying that democracy (and especially the deliberative one) is not a cure for all human problems but, according to Held (2008) it provides the most convincing principle of legitimacy – “the consent of the people” – as basis for political arrangement. It is important to understand this principle and the number of debates it stimulates made it possible to expand attractive and defensible representation of the democracy. In any case, contrary to other management levels where the issues related to collective actions are more complex and the common goals are difficult to identify and easy to act upon, on local level, maybe it will be easier for the citizens to get organized around the common problems. In this regard the role of the organizations mediating between the citizens and the local governments is important. They have the capacity to identify the common interests, obtain information and strategies in order to influence the decision makers, but also to create alliances in order to increase their influence around the issues concerning them (Grindle 2009). The civil organizations can be very important in influencing the public sector and towards improving its performance, mainly in two aspects: drawing benefits from the governments and drawing responsibility from them (Grindle 2009).

The research methodology

The research subject was to identify the type, forms, frequency and relevancy of the civil participation in the decision making on local level, as well as the manner and frequency of control by the citizens on the financial operation of the municipalities.

The research was implemented in five Municipalities in Skopje: Municipality of Centar, Municipality of Karposh, Municipality of Chair, Municipality of Gazi Baba and Municipality of Aerodrom. These are urban cores in which, we assume, the awareness about the importance for civil participation is greater. When selecting the municipalities for the research we were taking into account the size of the municipality, its geographic location and the ethnic composition. The assumption was that the citizens of these municipalities use all the modern methods of communication (such as e-mail, social networks, interactive web – pages, Internet tools est.).

In all five municipalities the following parameters were examined: the existence of act/ documents referring to civil participation; initiatives for civil participation; protocols that regulate such civil participation as well as other mechanisms for implementation of the civil participation. Regarding the financial accountability we were identifying are there documents that motivate, stimulate and are used for implementation of the financial accountability and transparency of the municipal budgets and other financial documents such as audit reports, public procurements, etc.

The research was implemented between July and October, 2014, and included a number of research methods: desk research (used to examine the websites of the municipalities and the access to them); monitoring of the local media and bulletins; field research through which the municipal advertising boards were followed; structured interview through which information was collected from the employees in the municipalities and from the NGOs active in the municipalities from the representative sample. ^{xv}

In addition to the above we did a comparison analysis between the ascertainments from the international organizations in the fight against corruption and provision of accountability and transparency, and the best practices of the municipalities in the United Kingdom of Great Britain and Northern Ireland. The information on the basis of which the comparative analysis was carried out were obtained from the Internet and the websites of the municipalities in the United Kingdom and Northern Ireland, all of which were summarized in this integrated paper which aims to increase the awareness about the need for tools that provide civil participation, transparency and accountability and to emphasize their true meaning. The paper propose possible solutions that could improve the situation i.e. it is the basis for implementation of the specific steps for overcoming of the current situation and ensuring greater civil involvement and improved accountability of the municipalities.

EU best practices and experiences

Good example that can be used a guideline for introduction of principles for greater civil participation and financial accountability of the municipalities are the Public Ethics Standards of the Council of Europe. The purpose of these standards is improvement of the ethical and anticorruption measures in the local self-government units, thus improving the

transparency of the municipalities. The standards show good practices and stimulate them, and in the same time identify the key issues that require attention.^{xvi}

However, these are the minimum standards the local self-government units should adhere to. The development of latest IT technologies increases the expectations of the citizens for easier access to information and imposes obligation towards the institutions to be more transparent and more responsible towards their citizens, in the same time publishing the information in a language that is clearly understandable for the citizens.

Probably one of the leading countries that are very advanced in the implementation of these standards for work of the local government and was subject of the comparative analysis, is the United Kingdom of Great Britain and Northern Ireland.

The transparency is one of the main principles of the UK Government, not only towards improved accountability and responsibility of the institutions and reduction of corruption, but also towards social and economic growth of the country. The rationale is that the greater involvement of the citizens in the decision making and policy monitoring will increase the efficiency and effectiveness of the institutions and the local communities, will stimulate their innovation to look for better solutions of the issues and challenges they face, will improve the competitiveness this ensuring the development in the community.

The key imperative in the improvement of the transparency and accountability of the local self-government units in the UK is the following motto: the citizens, the business community and the NGO sector must have information in order to monitor the local government and demand responsibility for the decisions made and spending of the public funds.

In this regard, the UK government adopts several basic acts, recommendations and good practices that must be adhered to by all local self-government units. The Local Government Transparency Code (2014) is an act that provides guidelines on how to publish the public information, the spending of funds, the results from tenders, the timely provision i.e. publishing of the information as vital prerequisite for transparency. The Act also lists the institutions in charge of publishing of the information and a list of information that must be published. The procedure for requesting classified information, according to the Law, is clear and articulated. Especially relevant is the common approach of all local self-government units when it comes to publishing of information. This ensures comparability, empowers the civil control and reduces the corruption.

Very interesting for in-depth analysis is the process of **participation of the citizens** in the operation of the Municipality and its decision making process.

The websites of the municipalities we took as examples (for example, the Municipality of Armagh, the Municipality of Belfast and other municipalities in Northern Ireland) have not only good organization of data but there is also “A to Z” section which makes it simple and easy to access to topic you are interested in. We immediately noticed the sections pertaining to the public procurements, employments and special department for consultations with the citizens. Furthermore, there is a clear indication of the common everyday problems for the citizens and procedures on how to overcome them (for example: phone numbers to report issues related to street lighting, information about road works, info on the doctor in the municipality that works after hours for cases of emergency, plumbing services, etc.).^{xvii}

The consultative process is important tool for policy making of the Northern Ireland municipalities. The Consultations Department, in which the Municipality calls for consultations or encourages involvement and comments for a specific document published (such as, for example, *Action Plan for Inclusion of People with Special Needs*, consultations on the Dogs Guiding Act, and similar), or for submission of initiative, you can also find a calendar of events for implementation of the consultations. In order to facilitate the communication the website also publishes the names of the persons in charge of the implementation of the process. It also clearly publishes the results from the consultation process in a form of report for each area of implementation.

When it comes to **operation of the Council**, there is a Department called **Your Municipality** which provides information about all counselors elected in the Councils in all Municipalities of Northern Ireland. Positive practice is that specific Municipal councilors are personally responsible for concrete solutions. The minutes of Municipal commission sessions are published and include information about all the discussion that have taken place in each of the commissions and/ or in the Council of the Municipality. They are structured in a manner that makes it possible to follow easily the procedures and conclusions but, even more important, each information also include recommendations adopted by the Council for overcoming of specific issues or situations.

Regarding **public finance management**, the inclusiveness of the citizens in strategic projects of the municipality is clearly visible through the scheme for financial support for

NGOs, informal interest groups and projects in various areas (environment, health, education, etc.).

We must also mention the financial accountability. There are corporate strategies of the Municipalities and information on the municipal capital investments. The entire property of the Municipality must be published in several key parameters and contact information, the only exception being the property transferred or subject to tender procedures.

It is also possible to compare and monitor the information related to the key objectives and activities in the specific areas (such as environment and health, culture and development of the community, good governance, etc.) as well as clarification of their relevance so they are understandable for the citizens. The municipality is also addressing the citizens in a special segment titled "*How is your money spent*" – it includes simple graphs on the financial income of the Municipality and their sources, the allocation in comparison to the costs i.e. how much in percentages and in what ratio the people's money were used for health, education, culture and arts, recreational activities, etc. In the same time, in order to stimulate the accountability, contacts to all institutions that are beneficiaries of the funds are provided.

In favor of transparency and accountability of the municipalities, the minutes from discussions regarding the **draft audit reports** are published, including the audit recommendations and opinions, which are discussed by the Council. It is easy to access all financial and audit reports of the municipality which are published by that municipality for the last 8 years, and to obtain information on what was the operational effectiveness of the municipality, the weaknesses and guidelines for improvement of its operation.

The manner of publishing of the **public procurements**, tenders and selection of the suppliers is prescribed by an act (Local Government Transparency Code 2014). The guidelines require each local self-government unit to publish this information on its website, with clear indication about the purpose for which the funds have been spent, what has been procedure, in what amount and who is the supplier. In the same time the local self-government units are obliged to publish the agreements and/ or details of the contracts for the procurements that have been carried out, including information about the Department/ Unit in charge of the procurement, the type of goods procedure, the name of the supplier with all contact details, the procurement amount, the duration, etc. In the same time, the Government recommends to all local self-government units to have a special section on their website

called “Contract Finder” through which the citizens have insight in all procurements greater than 10,000 pounds.

If this is not done, the municipal website includes direct link to the actual location where that information is published (for example, the Official Journal of the European Union). By doing so, the transparency with regards to public procurements of the municipalities we analyzed, is complete.

Analysis of the research results

General considerations

On the basis of the information collected and analyses, the general impression is that the municipal administration, although it understands the meaning and benefits of the civil participation, still has municipal procedures and practices that prevent the true participation and control over the financial work of the Municipality. One part of the municipal administration is not aware of how they work and others are not fully clear about the mechanisms. We also cannot conclude that additional steps are undertaken that really stimulate the civil participation or facilitate the involvement of the citizens in the decision making process. In some municipalities, the actual approach towards the inclusiveness is insufficient, more or less ad-hoc, lack structure and is informal.

If the answer for insufficient civil participation in the decision making process is sought in the NGOs operating on the territory of the municipalities researched, the reasons they state are different – they say that, in addition to the lack of interest and lack of motivation among the citizens, there are also essential and formal obstacles. This does not mean that the municipalities are closed or there is no will for cooperation, but that it is mainly due to lack of clear, open and fair approach as a prerequisite for civil participation. The NGO sector says that the reasons for this inconsistency are partially located in the improperly implemented decentralization and in the low awareness among the municipal administration about the importance and benefits of the civil participation. On the other side is the insufficient education and lack of information of the citizens i.e. the citizens are not aware of the potential they have, about the possibilities they have at their disposal and about the

manner in which they can be implemented. In the selected municipalities the NGO sector in Skopje communicates more with the central government than with the local government due to the closer geographical and personal contacts.

Participation and involvement

The civil participation in the decision making process on municipal level is usually regulated with two acts – **Rules and Procedures** and the **Statute of the Municipality**. However, these two key documents provide only general guidelines and do not specify in details the manners of participation. Usually there are no other documents that would regulate the participation and the actual involvement usually takes place on informal level. The forms through which the citizens participate on local level differ but in practice we have the following: informal personal contacts, informal meetings with the Mayor, open days, meetings with the Mayor with the citizens through the urban communities, online service for the citizens, free hotline, Municipal bulleting and similar. All these mechanisms have their respective usable value but the access to them and the result of their use is neither prescribed nor regulated. In other words the manners when and how the civil participation will be taking place are not entirely regulated. The same goes for the results of such participation and their usable value. On the other side, even if there is a procedure in place, it is too formal and discourages the civil participation. This situation stimulates the informal communication which is not part of an established and stable system – which is clear and traceable and, because of that, all inquiries from the citizens depend on the will of the leading officials in the municipality. In a case of change in the municipal administration structure, these practices can be altered, modified or abolished, which is against legal security, transparency and accountability. This situation does not provide true and fair approach nor equal treatment of all citizens, all NGOs, all associations or civil organizations, on one side, and does not provide sufficient opportunities for internal control from abuse on the other side and effective use of the municipal resources.

The above can be seen through the interviews with the municipal administration and the NGO sector representatives but also by analyzing the following forms of municipal activity:

In most of the municipalities we researched, **the municipal websites** – the key tool for communication and informing of every modern municipality - are not user friendly and not easy accessible when it comes to finding the required information. The websites offer a variety of information (documents, plans, acts, etc.) but this information is not shown in systematic manner. Although the websites are considered mirrors of the municipalities and their work, they are usually used as a tool for promotion of political standpoints and activities of politicians. Very rarely we have websites that promote participation in the true sense of the word or encourages involvement of the citizens. The potential of the websites is not sufficiently used in this manner, especially regarding the collection of information about the attitudes of the citizens (for example, online surveys, open issues, opportunity to register for attendance at a Municipal Council session, etc.). On the other side, some of the websites we examined incompletely fulfill their primary function – source of information – they are not updated or done only in the language understood by the majority ethnic population of that municipality.

The municipal bulletins (including papers, brochures, etc.) produced on monthly or quarterly basis do provide information about the activities implemented but we cannot say they stimulate the civil participation in the decision making process. The citizens are also getting information about the current events through the media and the open days of the municipality but the two-way communication is lacking.

We also have the **advertising boards** which should be updated on daily basis in order to inform the people not using ICT (Information and Communication Technology), but these are almost non-functional and do not include relevant information. The citizens must visit the Municipality and talk to the administrative staff if they want to obtain information about something i.e. the information is not publically available but it must be inquired. This also goes for the information of general character which is the information commonly needed to the citizens.

The participation of the citizens at the **Municipal Council** sessions, where the main decisions are made, is allowed, except in cases when the public is excluded and the decision for that is made by the President of the Municipal Council. In all other cases, according to the municipal administration, the participation is free but it is unclear how it is actually implemented. In some municipalities this is done through informal announcement, in some through formal request submitted through the municipal administration, and in others no pre-

registration of any nature is required. This results in unregulated and unclear situation, especially if we take into account that the announcement of the Council sessions beforehand, with clear agenda and call for participation, is rare practice. In other words, it is only common to publish the sessions held but there is no calendar of upcoming sessions. There is also no possibility for online registration for participation on a session and the issues concerning the citizens can be put on the agenda only if raised through the commission, the municipal services or through the elected municipal counselors.

According to the municipal administration, the most common and most effective manner of implementation of the civil participation are the **urban communities**. However, in order for them to be the true channel between the municipality and the citizens there must be equal treatment of all urban communities and they need to operate in the same manner. Many of the citizens we interviewed deem that the local communities exist only formally and they do not operate according to specific procedures or standards. The civil initiatives achieve success only if the filers are close to the responsible person from the municipal administration or with the elected official, especially depending on the time of their submission, which is usually in the pre-election period. This lack of operational procedures for the urban communities leaves room for some urban communities to be in advantage compared to others, which again does not contribute towards open, clear and fair participation.

Regarding the **municipal program documents**, in some municipalities there is a common practice to publish them on the website but, again, not all documents are published. Even the documents that have been published are difficult to track, the data is not updated and the documents are obsolete.

Public finance management

The citizens and the NGO sector (almost) do not monitor the financial operation of the municipality. The key documents pertaining to the financial operation (such as the budgets and the audit reports) are not available to the citizens and very often they are not involved in the process of development and planning of the municipal budget. Although there is the opportunity to have insight in the financial documents of the municipality if initial

inquiry for that is submitted this solution, in the words of the people interviewed, is too formal and complicated.

Some of the municipalities we researched publish the **municipal budgets** on their websites. This is a good practice but the Budgets are published in non-user friendly format, especially when it comes to budget items planned and realized. This goes especially for the final account (in relation to the realized budget) which is missing many categories making it impossible to compare with the previous adopted budget. The documents published have reference codes which make it difficult to identify the facts. They are not adapted to the citizens and the municipalities do not see them as a tool that directly concerns the public, which they must elaborate and clearly explain. There is no form of civil budget (clarified and cleansed document) adapted for the general public.

The audit reports in the municipalities in Macedonia are done from the time to time (every 3 to 5 years on average). Although these documents are public in nature and they are public (according to the municipal administration), some municipal websites are missing any records of them. There is a practice to publish these reports in the media but this is only partial and does not provide the full picture about the financial operation of the Municipality.

The publishing of the **public procurements** on the website of the Bureau for Public Procurements, along with their value and the selected supplier, is done in accordance with the law^{xviii} but only some municipalities have direct link to the actual page of publishing and the websites of the municipalities have almost no direct overview of the municipal procurements that have been implemented.

Positive examples that incentivize the civil participation and financial accountability of the municipalities

There are positive examples for civil participation and financial accountability of the municipalities. It is necessary to strengthen those examples, share them and establish these and similar mechanisms as clear rules and procedures. Below we emphasize some of those positive examples:

- An example of good navigational website is the Municipality of Gazi Baba. It provides sufficient overview of all the necessary information, which is neat, tidy and have the necessary links for further informing of the citizens;

- The Community Forums Program implemented in the Municipality of Aerodrom is a good example of how a civil participation mechanism should look like. Although it seems like a complex and complicated mechanism, it provides opportunity for systematic implementation of the consultations and civil involvement process;
- The inclusiveness in the process of development of the local economic development plans (LERs), as main development plan of the Municipality of Karposh, is a positive example for implementation of wide consultative process which includes various social segments, including representatives from the public enterprises in the Municipality, NGOs, the academic community, members of the Municipal Council and other relevant stakeholders. The publishing of the audit report is another positive example towards improved transparency in the work;
- The open day with the citizens which is taking place in the exact time and place, which is known publically to everyone and published (every last Wednesday of the month) is a good example of clear and scheduled mechanism for consultation with the citizens in the Municipality of Centar - Skopje.

Findings and conclusions

- The counselors in the local self-government units, the Mayor and the municipal administration should reflect the institutionalized ethics the purpose of which is to implement the public good. The responsibility and the expectations of the citizens regarding the moral and non-corruptive behavior of the representatives elected in the municipal government and of all those people managing and leading the institutions, are very great in a situation of reforms. However, the findings point out there is no clearly established system through which the civil participation is taking place on local level. The entire process is implemented on ad-hoc basis and is not a product of rules;
- We will be able to say that there is transparency in the operation of the local self-government once the citizens have clear idea on what the municipality does and how is their money spent. The public i.e. the citizens should be able to held responsible the counselors for the decisions they make. The research showed the awareness of the

municipal administration regarding the relevancy of civil participation is low, and the role and potential of the NGOs is not recognized entirely. In the same time, there is insufficient feedback from the municipality regarding civil initiatives and proposals;

- The civil awareness and the initiatives for involvement in the decision making process and for monitoring of the financial operation of the municipality is insufficient. In the same time there is no possibility to monitor the financial operation of the municipality in the true sense of the word. The budgets are not published on the municipal websites and those that are published are unclear and non-user friendly. The same goes for the financial and audit reports and for the public procurements;
- In a situation when the audits (as a manner of independent control and monitoring of the cost-efficiency, effectiveness and efficiency in the spending of public funds) take place once every 3-5 years, there is a dilemma: can we speak about transparency in the financial operation and reduced corruption;
- In this era of information there is a necessity to establish common principles for publishing of information related to the operation of the local self-government units. By doing so the citizens of the Republic of Macedonia will have better insight in the manner in which the public money is spent, the transparency of the municipality and the involvement of the citizens in the decision making process will improve and it will be possible to benchmark the data between the local self-government units. The research showed that the websites of the municipalities and those of other sources of information are not sufficiently organized, the data is not comparable and they do not always include all the information the citizens need.

Recommendations

- It is necessary to improve the mechanisms for civil participation. For example, introduction of citizen councils, introduction of innovative web tools, development of documents and protocols for participation, etc.; the mechanisms should be clearly laid down, published and explained in which situations, when and how they are implemented and what are the expectations from them; it is necessary to establish clear behavior and training guidelines for everyone involved in the decision making process and public data management; it is necessary to a Plan for Improvement which

is based on the strengths, built upon the opportunities and that will help to improve the performance of the municipalities in their areas of weaknesses; it is necessary to introduce an organizational change that will result in greater effectiveness in the operation of the municipal administration and will strengthen the local democracy;^{xix}

- It is necessary to establish a true dialogue between the municipality and the citizens; implement confidence building measures and the feedback from the local administration towards the citizens should be on regular basis, structured, clearly formulated and clearly published along with the identified issue; all administrative servants should be informed about the policies and the performance of the municipality; and to ensure internal communication that will improve this informing;
- It is necessary to increase the awareness about the relevancy and benefits from involvement of the citizens in the decision making process, especially because this makes it possible to see the things from a different perspective, the involvement of the citizens and civil initiatives and associations when planning and implementing the municipal plans is secured and in the same time it is effective tool for prevention and reduction of the corruption;
- It is necessary to continuously inform the citizens; the municipal administration should seek, hear and respond to local knowledge and encourage the two-way communication with the service users; it is necessary the people to be educated about the opportunities, forms and procedures of civil participation they have at their disposal as well as focused pressure towards the municipal government for the purpose of their predictability, publicity and clarity;
- The municipal administration is obliged to use the mechanisms for civil participation and stimulate the citizens to get involved as much as they can in the decision making process in order to utilize the full potential towards the improvement of the quality of life in the community. The capacity building of the municipal administrations for better transparency of the municipalities, through processing of information in a manner understandable to the citizens in which the policies will be related to the results and achievements in reference to what was planned.
- Greater involvement of the citizens is needed in the development of public interest programs and projects. They need to be published on the websites of the municipalities and the NGO sector should establish itself as a partner in their

implementation. It is necessary to build strong links and create chances for better contribution by the local organizations that will contribute towards efficiency of the local self-government;

- In order to provide for true financial accountability of the municipality, it is necessary to adopt mechanisms through which the Budget will be simplified and will have a form of civil document which is easy to understand, clear, broken down and easy to follow;
- More frequent audits are necessary and their results should be also published on the websites of the municipalities; the list of public procurements of the municipalities, including details about the selected suppliers, should be clear and easy to follow;
- All the potential beneficiaries of the services, including the citizens, should have easy access to the information disseminated in clear and understandable language. It is necessary to collect feedback regarding the usability and usefulness of the website. It is recommended to have unified approach that will ensure clarity of the information, especially with regards to departments relevant for provision of transparency and accountability of the municipality (employment, consultations, public procurements, etc.); all the information from the general and financial operations of the municipality should be published and updated;
- The frequency of what needs to be published and the manner in which the data will be published should be prescribed by a common act and apply to all local self-government units. Therefore, the Ministry of Local Self-government, the Association of Local Self-government units (ZELS), in cooperation with the Ministry of Information Society and Administration, should develop formal guidelines for introduction of standards for open and related information that will improve the consistency of the information so the citizens themselves can make analyses and learn lessons – otherwise, they will be useless for the citizens.

ⁱ For more information: Law on Corruption Prevention, Official Gazette of the Republic of Macedonia No.83/04; Law on Ratification of the UN Convention Against Corruption, Official Gazette of the Republic of Macedonia No.37/2007; Law on Public Procurements, Official Gazette of the Republic of Macedonia No.136/2007, 130/2008 and 97/2010 that operationalize the EU Directives and aim to provide successful functioning of the public procurement system and consistent implementation of the key principles which, inter alia, include: accountability, competitiveness of the entities, equal treatment for all provides and non-discrimination, transparency and integrity of the process of awarding of public procurement contracts, including rational and efficient use of the budget funds; the Criminal Code, Article 275-v regarding the following criminal act – abuse of public call procedure, awarding of public procurement contract or public-private partnership – which foresees a prison penalty of minimum 5 years for intentional violation of the procedures for public call, awarding of public procurement contract and obtaining of significant material benefits for oneself or for someone else, Official Gazette of the Republic of Macedonia No. 37/1996

ⁱⁱ For more information: Council of Europe, Criminal law Convention on Corruption, Strasbourg 1999 (<http://conventions.coe.int/Treaty/en/Treaties/html/173.htm>); EU Anti - Corruption Policy (http://www.transparencyinternational.eu/focus_areas/eu-anti-corruption/); United Nations Convention against Corruption, UNGA Resolution 55/61, December, 2000

ⁱⁱⁱ The research "Increased participation – less possibilities for corruption" was conducted by the Center of Change Management in the frames of the project "Citizens' network to prevent conflicts of interest in public administration", managed by the Institute for Democracy "Societas Civilis" Skopje (IDSCS) Ohrid Institute for Economic Strategies and International Relations "(OI) and the Macedonian Institute for Media (MIM) and funded by the European Union. The content of this research is not reflecting the views of the European Union or the partner organizations (IDSCS, OI and MIM).

^{iv} The relevancy of involvement of the citizens in the policy making is emphasized in the documents of the Council of Europe, mainly the European Charter of local Self-Government (<http://conventions.coe.int/Treaty/en/Treaties/Html/122.htm>) ratified by the Parliament of the Republic of Macedonia, which confirms the right of the citizen to be involved in the management of the public policies (Article 3 of the Charter). In addition, Article 10 of the EU Treaty of Lisbon emphasizes that the participation of the citizens is the highest act of practicing of democracy (The Treaty of Lisbon, 2009). Good example is also the Strategy for Innovation and Good Governance at Local Level of the Council of Europe (http://www.coe.int/t/dgap/localdemocracy/strategy_innovation/default_en.asp). The participation of the citizens in the process of policy making and decision making in the municipalities is arranged by the Constitution of the Republic of Macedonia as well as by the Law on Local Self-government which include the referendum and other forms of direct participation (Article 2, Paragraph 2 of the Constitution of the Republic of Macedonia) as manners of exercising of direct democracy, including rallies of citizens and civil initiatives (Article 25 of the Law). The public forums, surveys, debates, proposals of the citizens are not considered direct exercise of power but they are more consultative forms which create trust and instigate cooperation between the municipal government and the citizens.

^v The deliberative democracies very often portray the modern policy, either representative or directive, as uphill path that leads towards personal conflicts, popular policies, empty debates and pure quest for personal gain and ambition (Held 2008)

^{vi} However, this is far from the claims that the direct democracy provides the common people with important voice on regular basis. Ultimately, the individuals that have no will to get involved in groups and make coalitions, are not able to use the tools of the direct democracy (Cronin 1999).

^{vii} According to Held, the democracy as idea and as political reality is disputable in its foundations. It is not only the history of the democracy, the one featuring conflicts and interpretations, but also the antiques and modern concepts mix as well thus creating ambiguousness and inconsistent standpoints about the key concepts related to democracy, which also include the relevant importance of the political participation, the auxiliary importance of the “representation”, the scope of possibilities for

the citizens to make free choice between the political options and the nature of the membership in the political communities (Held 2008: 10)

^{viii} The expression “frozen majorities” refers to political situation when there is a "paralysis" of institutions, and the political power is equally divided among all segments of society, see more (Santiago Nino 1996: 199)

^{ix} According to Santiago Nino, the purest form of democracy should derive from the political decentralization process, which will produce political units sufficiently small to make possible the process of face-to-face discussion and the collective decision making in the strict sense of the word. “In the meantime, new forms of the popular participation must be investigated, including public hearings, when there are conflict of interests between various population sectors, including other manners of sharing and control” (Santiago Nino 1996: 153)

^x According to Fishkin, the political process is also threatened by public opinion surveys, the target groups and other marketing means created to adapt the policy towards the current attitudes and interests, instead of researching the principles supporting the policy and shape its direction; and the survey results that are interpreted and manipulated by the political parties and elites are only good for implementation of their own interests (Fishkin 1991)

^{xi} When the medium is almost entirely privately owned, the agora is turned into a private theater and the entrance into the theater depends on the will of the owner. In order to maximize the pluralism and neutrality, the regulation of the mass media must be distributed among various political units and to promote formal and informal participation in that control by individuals and organizations, (Santiago Nino 1996)

^{xii} In that regard, the Information Communication Technology –ICT is a powerful tool for strengthening of the relation between the policy makers and the citizens. It is a new innovative public area which provides for clear and systematic organization of the data. This reduces the administrative burden for communication with the citizens, the costs are reduced, the scope of potential involvements is increased and free access to public information is enabled. However, there are also disadvantages of the ICT that need to be taken into account such as: they are not available to some category of citizens, some citizens are computer illiterate, etc (Cronin, 1999)

^{xiii} Furthermore, the multinational and multilingual democracies have a series of questions that cannot be entirely articulated through the language of the deliberative democracy (Santiago Nino, 1996)

^{xiv} Of course, the level up to which they possess this characteristics is incomparably higher compared to other systems in the world, and great roles in that regard is played by the judiciary (Santiago Nino, 1996)

^{xv} The interviews were carried out in six NGOs (Habitat, Otvori gi Prozorcite, MCMS, Zenite, Antiko and Polio Plus). We paid attention to discuss with NGOs registered and active on the territory of the selected local self-government units. The intention was to identify their point of view regarding the opportunities for participation of the citizens in the decision making process on local level and the possibility for citizens control over the financial operation of the municipality (specifically, of the municipality in which they are registered in and active), as well as to verify the information obtained using other research methods.

^{xvi} The joint program between the European Agency for Reconstruction and the Center for Expertise for Reforms of the Local Governments of the Council of Europe is making efforts to apply these tools. The purpose of this project was to increase the awareness among the Mayors and the municipal administration on the good governance principles in order to strengthen the ethics in the local government in Macedonia. The project developed pilot guidelines and standards for public ethics in the local self-government. It was implemented in 12 Municipalities in Macedonia and local partner was Association of Local Self- Governments in Macedonia (ZELS).

^{xvii} The Local Government Staff Commission for Northern Ireland also assists the transparency and accountability of the local governments. It prescribes standards and procedures in various areas of the municipal operation. For more information: <http://www.lgsc.org.uk/>

^{xviii} Please refer to the Law on Public Procurements, Official Gazette of the Republic of Macedonia No. 136/2007, 130/2008 and 97/2010

^{xix} The conclusions and recommendations support the Council of Europe Standards for Public Ethics, developed for the local administration in Macedonia - Public Ethic Standards, For an Effective Democratic Local Authority, Leadership Benchmark and Best Practice Programme, Joint initiative between the European Agency for Reconstruction and the Council of Europe

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