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# Guide

**on the elaboration of local plans  
for increasing transparency and ensuring  
access to information in the activity**

# Guide

on the elaboration of local plans  
for increasing transparency and ensuring  
access to information in the activity  
of the local public authorities

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# I. Introduction

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Ensuring transparency in the work of public authorities, including decision-making and decision-adoption process, is an essential principle for the development of a democratic state based on respect for human rights. The involvement of citizens in the decision-making process, as well as their complete information, contributes to the promotion of transparent public administrations and the adoption of decisions that would correspond to the needs of the citizens. Such administrations would enjoy the support of the society and the degree of their closeness to the citizens from the localities would increase.

At the same time, the participation of citizens in the management of public affairs, which can be assured through a wide range of methods and a complex instrument, contributes to the creation of a common platform for citizens' civic education and to the mutual accountability of the representatives of public administration and of the citizens through establishing an effective and constructive dialogue. Similarly, this practice leads to greater legitimacy of the actions, decisions and policies adopted by local public authorities.

This publication brings to the attention of local public authorities, citizens, civil society organizations, initiative groups a model for participatory elaboration of local plans to ensure transparency and access to information in the work of the Mayoralty and of the Local or District Council. The Guide is a guideline for those working in the public administration, as well as for civil society members, who intend to contribute to the initiation, drafting, discussion and adoption of a local policy document that would increase the transparency of local public administration bodies. The Guide describes the principles, milestones, the actors involved in drafting such documents and provides some samples of documents needed to make up a plan to deepen transparency and ensure access to information.

## II. General Notions

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*Transparency* of public authorities usually means that the data held by the public authority and the information about its activities are exposed to the public eye and, depending on the nature of the data, may be disclosed at the request of the citizen or another entity (civil society organization, initiative group, etc.). At the same time, *transparency* is the ability to make relevant and timely information available to the public about the activities of the government. The notion of *transparency* of public authorities is closely related to the notion of *openness*, by which we understand that public authorities are open to the information and feedback provided by citizens, engage in dialogue with them, and take into account their comments and recommendations in the development and the implementation of public policies. We consider this aspect very important because transparency and access to information are not effective without establishing an efficient, permanent and disinterested dialogue between citizens and public authorities.

Thus, while *openness* is based on the political decision to “open up” to citizens through communication and the presentation of political options and choices, “*transparency*” is legally defined and provided as a necessary tool for citizens to be able to control the public authorities. In other words, while “*openness*” means that public authorities listen to citizens and take their suggestions into account, when developing and implementing public policies, *transparency* means that reliable, relevant public information, which is timely provided about the activities of public authorities, is available to the public at large.

In recent years, a legal framework has been created and operates in Moldova in conformity with European standards, in which the rights of citizens in the decision-making and the obligations of the authorities to ensure this right are explicitly stipulated. In this sense, two basic laws to ensure transparency in decision making and access to information are relevant. Thus, Law no. 239 of 13.11.2008 on Transparency in Decision-making establishes the rules for central and local government authorities and other public authorities to ensure transparency in decision making, and regulates the relations of these authorities with citizens, the associations established in accordance with the law, and other stakeholders to participate in decision making. Law no. 982 of 11. 05. 2000 on Access to Information stipulates the relationships between information providers and the individual and / or legal entity in the process of providing and realizing the constitutional right of access to information; the principles, conditions, ways and how to get access to official information held by the providers of information; the rights of applicants to information; the obligations of information providers to ensure access to official information; the way of safeguarding the right to information.

Under art. 8 of Law no. 239/2008, the main stages of ensuring the transparency of the decision-making process are:

- ✓ informing the public about the initiation of the decision making;
- ✓ making draft decisions and related materials available to interested parties;
- ✓ consulting citizens, the associations established in accordance with the law, other interested parties;
- ✓ examining the recommendations of citizens, associations established in accordance with the law, other stakeholders in the drafting of draft decisions;
- ✓ informing the public about the adopted decisions.

Similarly, art. 14, Decision No. 967 of 09.08.2016 on the Public Consultation Mechanism with the Civil Society in the Decision-making Process indicates that, in order to facilitate the access of the interested parties to the information regarding the decision-making process within the public authority, on its official website there are created compartments dedicated to the decisional transparency, where information is placed related to:

1. internal rules on procedures for information, consultation and participation in decision-making;
2. information on the name, surname, position and contact number of the person in charge of the decision-making process within the public authority;
3. the (quarterly / yearly) programmes for drafting of draft decisions, indicating the drafts to be obligatorily submitted to public consultation;
4. announcements on initiating decision making;
5. announcements about the withdrawal of a draft from the drafting process;
6. announcements regarding the organization of public consultations;
7. the draft decisions and related materials, as well as the decisions taken;
8. results of the public consultation (minutes of the consultative public meetings, synthesis of the recommendations);
9. the annual report of the public authority on the transparency of the decision-making process;
10. other relevant information.

## III. The process of drawing up local plans to ensure transparency

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### 3.1. Initiating the process of elaborating local plans

The elaboration of local plans to ensure transparency and access to information is a long-lasting participatory process and consists of several stages.

The **first stage** of the process is initiation. Who can initiate this process? In accordance with art. 19, paragraph (7) of the Law 436/2006 on Local Public Administration, the right to initiate draft decisions of the Council belongs to the councilors and / or the Mayor / the Head of the district. The Mayor may participate in the drafting of the draft decisions in consultation with the Council.

At the same time, according to art. 17 of Law 436/2006, local authorities should take the necessary measures to ensure that citizens know the agenda of the local council, be able to come up with proposals and suggestions, be able to attend Council meetings to follow the decision making process locally. Citizens and associations established in accordance with the law and other interested parties are entitled:

- a) to participate, under the law, at any stage of the decision-making process;
- b) to have access to the information on the budget of the locality and the way of using the budgetary resources, the draft decisions and the agenda of the meetings of the local Council and the Mayoralty;
- c) to propose initiating the development and adoption of decisions;
- d) to submit to local public authorities, in their own name or on behalf of groups of inhabitants of the respective communities, recommendations on various draft decisions submitted for debates.

Thus, we can conclude that citizens (in various forms of organizations, initiative groups, NGOs, etc.) can initiate this process or, at least, propose to include the elaboration of such a document on the official agenda of the Council.

*Also, in order to start the process of drafting the local plan to ensure transparency, a local / district Council decision or a Mayor / Head of the district's disposition is needed.*



### 3.2 Establishing the participatory framework with the involvement of local actors

Once a decision or provision on the development of a local Transparency and Access to Information Plan is made, a participatory framework (formed by a working group) involving more than one local actors is established.

Table 1.

#### List of categories of people to be included in the working group.

<p><b>In village /city mayoralties:</b>            The Mayor – chairperson of the working group            Deputy mayors            Secretary of the local Council            Land Registry Specialist            Chief accountant            Specialist for attracting investments            Specialist for tax deductions            Social Assistant            Specialist on youth and sports            Heads of municipal enterprises            Director of lyceum / school            Director of the kindergarten            Director of the public library            Representatives of the media, NGOs active in the field, businesses, initiative groups.</p>	<p><b>In district councils:</b>            The staff of the Head of the District            Head of the District - chairperson of the working group            District Vice-Presidents            Secretary of the district Council            Chief Accountant            Main specialist            Head of Public Administration Department            Deputy Head of Public Administration Department            Main specialist in public administration issues            Public relations specialist            Heads of divisions and departments subordinated to the district council            Representatives of the media and NGOs active in the field.</p>
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**NB!**



The Working Group will include at least two representatives from among the youth, the elderly, the national minorities, the socially vulnerable groups, the economic agents, the associative sector. It is advisable to take into account the gender issue when drawing up the nominal component of the group.

### **Responsibilities of the working group:**

1. Establish working relationships with the main community actors
2. Participate in all activities planned in the project: meetings, trainings, round tables, etc.
3. Collect information for the LPA potential study
4. Analyze the data and elaborate LPA potential study
5. Elaborate the draft of the Transparency and Access to Information Plan
6. Organize the public consultation process of the Transparency and Access to Information Plan
7. Evaluate and monitor the implementation process of the Transparency and Access to Information Plan.

### **3.3. Performing the diagnostic analysis and developing the LPA profile from the point of view of transparency and ensuring access to information**

Once the working group for the elaboration of the Local Transparency and Access to Information Plan has been set up, the **second stage** is to study the current situation regarding transparency and access to information in public authorities in the given community. For this purpose, a diagnostic analysis on the activity of LPA in this field is elaborated. For the elaboration of the diagnostic analysis, **the Transparency Assessment Questionnaire of the Local Government is used (Annex 6.1)**.

To this end, the organizers of the plan elaboration process will organize in-depth discussions and interviews with public officials and responsible actors within LRA, local councilors and opinion leaders, representatives of the civil society. The data collected as a result of these discussions will be generalized in a document that will form the LPA transparency and access to information profile.

### **3.4. Performing the SWOT analysis**

At this stage, the members of the working group with the direct participation of the LPA representatives will discuss and validate the APL profile in the area of transparency and access to information.

After that, the SWOT analysis of the field of transparency and access to information will be carried out. The SWOT analysis is the tool for determining the strengths and weaknesses of a domain, as well as the opportunities and difficulties it faces. It has the role of creating a clear vision of the elements with potential for capitalization and their arrangement in the form of priorities.

SWOT is the abbreviation for four notions in English: Strengths, Weaknesses, Opportunities, Threats (see the SWOT analysis matrix) translated into Romanian by: puncte tari, puncte slabe, oportunități și amenințări.

### ***SWOT analysis matrix***

<b>Strengths (Puncte Tari)</b>	<b>Weaknesses (Puncte slabe ) interior</b>
<b>Opportunities (Oportunități)</b>	<b>Threats (Amenințari) exterior</b>

The first stage of the SWOT analysis is to apply audit elements to research the strengths and weaknesses, the opportunities and threats.

The **strengths** are determined by internal factors that are related to the good functioning of local authorities, such as the level of transparency of services offered, professionalism, openness to community citizens, etc.

The **weaknesses** are determined by internal factors such as the limited budget available to the Mayoralty, inadequate or poor training of officials, lack of internal regulations, etc.

The **opportunities** are derived from external factors such as the good situation of the finances that allows for the allocation of special funds to mayoralties for the purpose of implementing economic and social programs, the development of new legal provisions, etc.

The **threats** are derived from external factors such as the political or economic climate that may have serious repercussions on the performance of specific public administration powers.

Thus, a number of questions are answered while carrying out the SWOT analysis:

**For the strengths:**

- What are the advantages of LPA in ensuring transparency and access to information?
- What exactly does the LPA do very well in this area?
- What good practices in the area of transparency and access to information are already being used by LPA in the community?

**For the weaknesses:**

- What is not good about transparency and access to information?
- What can be improved?
- What is not done well in this area within the LPA?
- What needs to be addressed?

**For opportunities:**

- What are the existing opportunities for providing transparency and access to information?
- What are the future events (predictable) that will influence positively this area?
- What are the positive trends at regional, national level?

**For threats:**

- What are the obstacles for the transparency of the LPA activity?
- What are the changes in the specific areas (legislative, economic, social, technological) that could affect the field?

**NB!**



The SWOT analysis is mandatory executed in tabular form. The facilitator of the process offers the opportunity for each participant to express his / her opinions and ideas that are noted and discussed.

### 3.5. Elaboration of the strategic framework (vision, strategic objectives)

During the first session, after the SWOT analysis, **the vision** on the transparency and access to information of the Mayoralty or of the Council (local or district) will be elaborated. During this session the members of the working group set up on an “imaginary journey” of 3 years, at the end of which their problem is “solved”. This session proposes to the audience a vision, a positive perspective of the problem. Starting from the weak points outlined in the SWOT analysis, the facilitator asks the participants to imagine the problem of the community, which is contained in the central question, solved. So it is imperative that the task of this exercise, the formulation of the Vision, should start from the central question.

The purpose of formulating the visions is to create the image that the problem of the community is solved, (e.g. Imagine what the LPA activity is going to be in 3 years in the field of transparency and access to information.)

At this stage, the task will be completed in 3 groups of 5 persons, randomly formed. The groups will receive a set of markers, flipchart paper.

For 45 minutes, the participants will be asked to write their ideas about transparency, the involvement of society in decision-making, information, access to information.

Each group will present the results of its work and prepare their vision on the future. With joint efforts and with the help of the facilitator, the group formulates the common vision in 1-3 sentences.

#### **Sample of vision:**

**The Mayoralty (Council) aims to become a benchmark for the quality of governance in the next three years in the field of transparency and information of citizens through the creation and continuous improvement of a transparent system for decision-making, information and citizen involvement in the local governance process.**

During the second session, the strategic objectives will be elaborated.

The elaboration of strategic objectives can be done through the “Tree of the Problem” method.

The “Tree of the Problem” method is often used to identify and document the problem, but also to define the purpose, goals, and expected outcomes.

We will use this method based on the idea that any problem is caused by a number of factors and that, in its turn, is a cause for other problems.

The following steps will be undertaken:

- brainstorm, in the working group, to identify as many problems as possible in the field of transparency and access to information (we use the SWOT analysis that we performed during the first session);

- identify the causal links between the problems identified and the arrangement of the problems in the order of these links;

- choose the issue that is considered by the working group to be approachable (solvable) and which, once solved, can lead to a series of important outcomes for the group of beneficiaries;

- consider the problems, that contribute to the chosen problem, as being the causes and those that derive from the given problem as being its effects and set the objectives based on the causes and the expected outcomes from the effects.

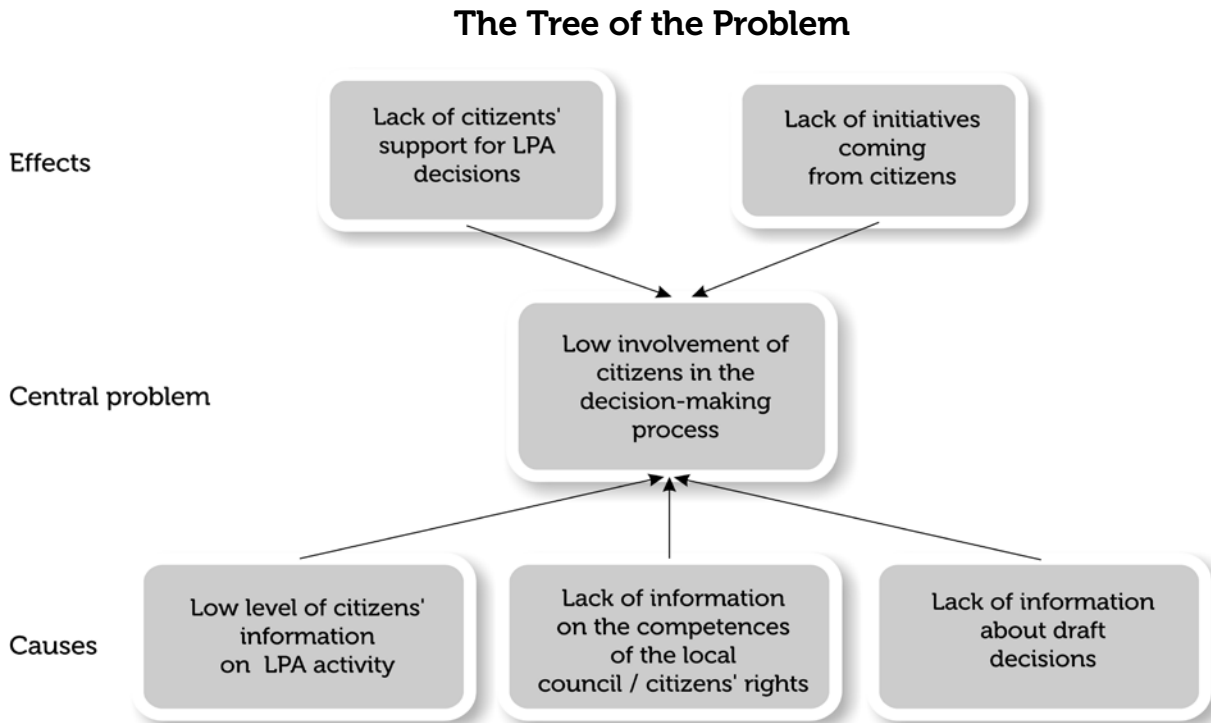
**NB!**



When developing the tree of the problem, we must have an approach as close as possible to reality and take into account the economic, political and socio-cultural trends of the problem; identify important criteria for problem solving; identify the causes that are easier to solve and all solutions or possible options. Also, identify possible policy changes in the field to address the cause of the consequences or identify solutions.

Below, we present an example of the Tree of the Problem (Figure 1), based on a specific problem, which is related to the lack of citizen involvement in the local decision-making process. It should be addressed when developing Local Transparency Action Plans to ensure the increase of transparency and access to information if it is considered as a priority by the members of the working group. The facilitator should help the working group to identify as many effects or causes as possible. The number of causes and effects will depend on the problem identified.

Figure 1.



**The Tree of Objectives (solutions).** This activity, based on the tree of the problem, identifies the most appropriate solutions for the identified problem. Once the problems are identified, the solutions follow to be identified. For this, a decision tree is used, with a structure identical to that of the tree of the problem, called the tree of the objectives or the Tree of the Solutions.

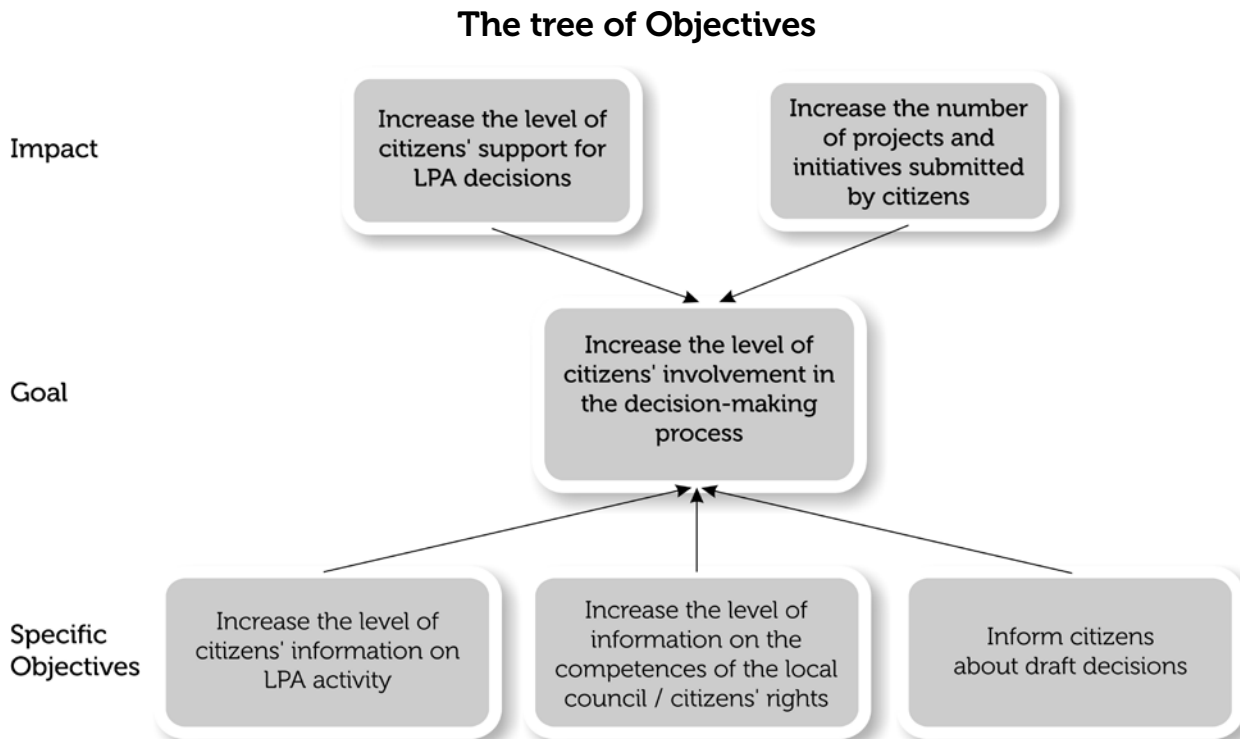
While problem analysis highlights the negative aspects of an existing situation, the analysis of

the objectives poses the positive aspects of the future desired situation. This involves reformulating the problems into objectives. Therefore, the Tree of the Objectives can be conceived as a mirror image of the Tree of the Problems.

For the construction of the Tree of the Objectives, the structure of the Tree of the Problems, resulting from the analysis, is copied without the contents of the boxes. The negative aspects of the Tree of the Problems are reformulated as desirable, positive aspects. Through this transformation, a structure is created with the same logic, from the bottom up: means are needed to obtain the outcomes that together serve to achieve the desired goal.

The goal can be divided into objectives. It is very important to find the objectives corresponding to each of the main issues identified during the exercise done on the Tree of the Problems. These objectives must clearly describe in a single sentence a state in which the main problem is no longer present, or at least where it is considerably reduced.

Figure 2





### 3.6. Elaboration of the Action Plan

The third session will be held with the participation of the working group, during which the Action Plan will be drawn up, using the table below:

*Table 1.*

#### **Action Plan**

Specific Objective 1						
No.	Action	Implementation period	Costs	Responsible	Partners/ funds	OVI Indicators
Specific Objective 2						
No.	Action	Implementation period	Costs	Responsible	Partners/ funds	OVI Indicators

All the strategic objectives identified in the process of elaboration of the problem and goal trees will be included in the table.

## IV. Public hearing on the draft Local Plan and its approval

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The draft of the Plan will be debated by the specialized consultative commissions of the local council. After this stage, public hearings will be prepared and held on the draft Action Plan.

This activity will be organized by the local coordinator / members of the working group and the persons responsible within the Mayoralty / District Council.

### **Some practical tips:**

- The decision to organize public hearings belongs to the local or district Council. The decision will be taken by majority vote of the counselors present at the meeting.
- In order to conduct public hearings, it is first and foremost necessary to clearly identify the issue that the public authority will submit to the hearing. The working group, created by the mayor's order, will develop a plan for the preparation and conduct of public hearings.
- At least 10 days before the public hearings are held, the Working Group will publish in the mass media a brief description of the issue addressed in the hearing, prepare and disseminate to the population a leaflet on the same topic.
- The speakers will make their views known from the microphone or from the stand designed for taking the floor.
- Attempts to comment or debate will be considered as unregulated. Speakers, who have written declarations, will be asked to leave the text to the person entitled with the right to register their proposals.

### **Regulation of public hearings:**

- Participants in the hearings must be polite and respect each other.
- Those willing to come up with proposals will register with the person designated by the initiative group before the beginning of the hearings.
- The floor is given by the moderator according to the pre-registration.
- The speeches will be laconic and will contain clearly formulated proposals. Repeating previous messages shall be avoided.
- The length of the speech is set by the Regulation. Compliance is mandatory for all speakers.
- All proposals received during the hearing must be noted and analyzed accordingly.

**NB:**



1. Public hearings take place regardless of the number of participants.
2. No debate may be held in the course of public hearings.
3. No decision shall be taken on the issue of the public hearing.

The person responsible on behalf of the LPA will report on the hearing and systemize the proposals and observations submitted by the participants in the hearing.

*Table 2.*

**Summary of objections / proposals obtained during public consultations in the locality \_\_\_\_\_ , on the draft of Increasing Transparency and ensuring Access to Information Local Plan**

No.	Author of the proposals and objections	Objections/ proposals	Comments
1			
2			

**NB!**



This activity will be carried out in accordance with Decision no. 967 of 09.08.2016 on the Mechanism of Public Consultation with the Civil Society in the Decision-making Process.

## V. Monitoring the implementation, elaboration of the monitoring plan

At the same session (the elaboration of the Action Plan), the evaluation and monitoring system of the plan will also be examined. The principles that will be at the basis of the process will be agreed upon, these being set out in a separate paragraph indicating:

- The evaluation methods,
- The persons responsible for the process,
- The periodicity and level at which reporting will be done.
- The Strategy Evaluation and Monitoring Matrix (the Plan) will be developed by the working group and approved by the executive authorities after the plan is adopted by the Local Council and will be focused on the following scheme:


Table 3.

### **Evaluation and Monitoring Matrix**

Action/ Terms	Responsible	Evaluation Program					Result of evaluation			Comments/ observations
		Evaluation action	Evaluation term	Evaluated indicators	Responsible for the evaluation	Whom to report	Stage of realization on the date .....			
							Planned Target Indicator	Achieved Target Indicator	Need for intervention YES/NO	

The evaluation and monitoring will be carried out by the Monitoring Committee for the implementation of the adopted plan, made up of people within the working group, as well as by the direct beneficiaries of the strategy: active citizens, representatives of initiative groups, the businesses, civil society, mass-media, etc. The nominal list of the Monitoring Committee is approved by the decision of the Local Council simultaneously with the approval of the final version of the Plan.

Only the compartment colored in blue will be filled out at the elaboration stage. The compartment colored in yellow will be filled out during the implementation of the Strategy according to the implementation terms.



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