



Good governance for
openness and accountability
in politics and governance

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Parliament openness in the region and Macedonia



**National Endowment
for Democracy**
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This policy paper is part of NED-National Endowment
for Democracy funded project.



This project is funded by the European Union.

This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of ACTION SEE project partners and can in no way be taken to reflect the views of the European Union.

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Skopje, April 2017

Introduction

In cooperation with the partners from the regional NGO network "ACTION SEE", Metamorphosis Foundation for Internet and Society prepared the policy in which it analyzes the level of transparency, openness and accountability of parliaments in the Western Balkans region.

The policy represents a result of research, based on scientific methodology, developed by ActionSEE members during the last several months. Our activities aim to determine the real condition in this area and to give recommendations for its improvement through an objective measurement of regional parliaments' openness. Also, the aim is improvement of the adherence to good governance principles, in which the openness occupies a significant place.

All regional parliaments must ensure full openness of their work and thereby demonstrate political accountability and respect of the basic principles of democracy. Through ensuring all relevant information, parliaments must provide unimpeded insight into their work. Only open and accountable institutions may work on creating democratic society all regional countries strive to.

Declaration on Parliamentary Openness defines parliaments' obligations in the best way, suggesting that a parliament must ensure that citizens have legal aid while exercising their right of access to parliamentary information. An obligation of a parliament to encourage openness and share examples of good practice with other parliaments in order to increase openness and transparency is emphasized. Further, cooperation with non-governmental organizations which deal with monitoring of parliamentary work and citizens is affirmed in order to ensure that parliamentary information is complete, accurate and opportune.

Taking into account all stated items, it is necessary that all regional parliaments, which have not done it, sign the Declaration on Parliamentary Openness as well as to work on its implementation.

Our policy is addressed to decision-makers in the parliaments of the regional countries. It may also be useful for representatives of international organizations and colleagues from NGO sector dealing with these issues.

We are at your disposal for all suggestions, benevolent critics and discussions regarding the policy.

Openness of legislative power in the region

Regional parliaments meet on average 63% of openness criteria. This result is not satisfactory, taking into account that we talk about bodies that have been directly elected by and are accountable to citizens.

Parliaments have a key role in a democratic system, thus they should be bearers of a process which will enable citizens to monitor institutions' work more effectively. However, as it is the case with executive power, the highest legislative regional bodies do not have a strategic approach to openness policy. Requirements of openness may be indirectly taken from the Constitution, Rules of Procedure and other acts, and as such, they are a subject of different interpretations and mood of a parliamentary majority.

Information regarding parliamentary work belongs to public¹, thus constant improvement of the existing culture level of parliamentary openness is necessary. Openness policy should be developed by following information and communications trends, using new technologies and publishing data in machine-readable format. This is supported by data indicating that regional parliaments are not dedicated to publishing data in open format and thereby the use value of published data is minimized.

Insufficient transparency of organizational and financial information

It is defined by monitoring that parliaments are mostly not transparent when it comes to publishing data from sessions of parliamentary committees. Majority of parliaments does not publish voting records and list of MPs who have attended boards' sessions. In addition, in most countries committee sessions are not transmitted.

Majority of regional parliaments has to affirm a principle of financial public and openness. Parliaments mostly do not meet even a minimum of international standards of budgetary transparency², which impose availability of financial documents to the public. On official websites of most parliaments, citizens cannot find budgets for the all previous three years. Additionally, a huge majority does not publish final accounts. Parliaments should conduct control of public expenditure during the year and to publish midyear reports on budget spending.

1) Declaration on Parliamentary Openness. Available at: <https://goo.gl/NhTYvH>. Access: 27.03.2017

2) Best Practices for Budget Transparency, OECD, 2002. Available at: <https://goo.gl/qamVDW>; Guidelines for Parliamentary Websites, Inter-Parliamentary Union, 2009. Available at: <https://goo.gl/gD2Wg0>. Access: 27.03.2017

Insufficiently developed communication with citizens and possibility of their participation

Regional parliaments should strengthen their representative function through establishing communication with citizens and including them in the policy-creation process. The parliaments should pay a special attention to development of electronic services.

Parliaments should be available to citizens and besides expecting a possibility of establishing communication by telephone or e-mail, the initiation of innovative channels for two-way communication with citizens is necessary. Moreover, more active use of existing communication mechanisms, social networks in particular, is needed as well. Monitoring has defined that the majority of parliaments does not have accounts on social networks or it does not use it actively.

Additionally, monitoring has recognized the need for strengthening of capacities for complete and consistent implementation of the Law on Free Access to Information³.

(Un)ethical behavior of MPs

Consistent implementation of Codes of Conduct is of fundamental significance when it comes to increasing the level of political accountability and citizens' trust in the parliamentary work. However, while some regional countries have not adopted Code of Conduct, other countries neither promote it actively, nor implement it effectively. Regional parliaments should establish clear mechanisms for monitoring of the implementation of Code of Conduct of MPs as well as sanctions for each violation of prescribed ethical standards.

Regional practice shows that violation of Codes of Conduct mostly does not result in sanctioning of inappropriate behavior and it is usually a subject of political agreements. Also, it is necessary to establish rules which will oblige members of parliaments to publish documents of procedures regarding violation of Code's provisions. In that way, the transparency of these procedures would be increased.

Insufficient effects of parliamentary control over other branches of power

Monitoring has determined that numerous mechanisms for parliamentary control over the executive power have been established in the regional countries. However, their implementation is most commonly of formal nature. In practice, visible effects of control are missing, thus examples which give specific outcomes, related to defining accountability and sanctions for representatives of executive or other branches of power, are very rare.

3] Monitoring has shown that the majority of parliaments does not have an established training system or guidebook for civil servants that would make civil servants able to access data which are published in accordance with the Law on Free Access to Information and assume other obligations envisaged by the Law.

4) Parliaments' "rubber stamping" of the laws and non-usage of the existing oversight mechanisms derives from the Western Balkan countries' political systems, which are the direct cause of domination of executive over the legislative.

Parliaments must not be places of uncritical adoption of executive power's proposals, but places of their review and effective control⁴. Legislative obligations of members of parliament must not be a reason for neglecting the control function, which represents one of the most significant guarantees of democracy.

All regional parliaments are obliged to take efforts to fully implement the existing mechanisms and thereby to contribute toward increased level of political accountability.

Openness of the Parliament of the Republic of Macedonia

Although the Parliament, i.e. the legislative branch of government, is the most open compared to executive and judicial branches of government in the state, its low score of 59% under indicators on openness ranks the Macedonian Parliament below the average of 63% calculated for openness of parliaments in the region. As regards operation and openness of the Parliament, one must not exempt the context in which the most important institution in the state (non)functions, as its operation is partially or fully blocked on the account of the political crisis for third consecutive year.

The opposition did not recognize the 2014 general elections outcome and had been absent from the Parliament for 15 months, after which it returned to adopt laws anticipated under inter-party agreements for resolution of the political crisis and organization of snap parliamentary elections. During 2016, the snap parliamentary elections were scheduled and postponed on three occasions, while the Parliament was dismissed and did not hold sessions on two occasions.

Even after the last elections held in December 2016, the Parliament remains blocked. The constitutive session is running for fourth consecutive month and is chaired by the Speaker from the previous composition. Four months after the elections, the state does not have mandate holder to form the government, because the President of State refuses to hand over credentials to form the government to the parliamentary majority, while for over a month, MPs have been debating selection of the chair of the parliamentary committee that would appoint the new Speaker.

Under conditions of full obstruction at the Parliament, dedication to policies and practices that would improve openness of this institution is difficult to expect. However, the civil sector vigilantly monitors the situation and actively makes proposals aimed to improve the parliament's performance track record.

As indicated above, despite the serious institutional crisis, the Parliament remains the most open window among the three branches of government, as it regularly publishes agendas of plenary sessions and working bodies, videos and shorthand notes from plenary sessions, attendance lists and vote scores by MPs at plenary sessions, contact information and biographies of MPs (but not their salaries and benefits claimed for travelling costs, which are subject of interest and criticism in the public and the media), and regularly publishes its annual reports. In that regard, the Parliament could set an example of openness for other institutions, especially the government, which fails to even publish agendas, minutes and conclusions from its sessions.

Nevertheless, as with all parliaments in the region, Parliament of the Republic of Macedonia should work on improving openness of its working bodies (committees), by publishing attendance lists from their sessions, shorthand and video records, as well as vote scores by MPs participating in the working bodies. According to current practices, conclusions and proposed amendments are published, while in spite of being broadcasted on the national Parliament TV Channel, video records are not uploaded on the Parliament's website.

In particular, the Parliament should improve, i.e. establish the practice on publishing conclusions and minutes from coordination meetings organized by the Parliament Speaker with the parliamentary groups. Decisions made at these coordination meetings are of great importance for the citizens and for the work of MPs, but according to practices in place these, decisions and minutes are not published.

Improvement of rules and practices on adopting laws

Parliament of the Republic of Macedonia has score of only 35% under indicators on consultative processes with the public in adopting laws and other policies. On annual level, the Parliament adopts high number of laws, but worrying is the fact that these laws are enacted in fast-tracked procedure⁵, while the Parliament is not obligated to organize consultations with the civil sector and other stakeholders. Blueprint for Urgent Democratic Reforms, developed by a group of civil society organizations in 2016, puts forward proposals for efficient exit from the political crisis with special attention to the Parliament and, inter alia, proposed introduction of mandatory consultations with the civil sector and abandoning practices on abusing the possibility for laws to be adopted in fast-tracked procedure⁶.

5) Among total of 366 laws adopted in 2016, as many as 238 were adopted in fast-tracked procedure (<https://goo.gl/pimsu1>); among total of 606 laws adopted in 2015, as many as 339 were adopted in fast-tracked procedure (<https://goo.gl/7j6Vwl>) or among total of 167 laws adopted in 2014, 59 were adopted in fast-tracked procedure (<https://goo.gl/rMPkzn>).

6) Blueprint for Urgent Democratic Reforms, pg. 41, <https://goo.gl/h5XVF1>

Introduction of mandatory consultations for adoption of laws necessitates amendments to the existing Rules of Procedure and introduction of annual work plan by the Parliament, in order adoption of laws in urgent or fast-tracked procedure, without prior consultations and beyond anticipated work plan of the Parliament, to be avoided

Macedonian Parliament should adopt Code of Conduct

Parliament of the Republic of Macedonia has not adopted the Code of Conduct for MPs in spite of announcements⁷. Practices indicate the necessity for its adoption because mechanisms, such as inquiry committees for resolution of certain unethical acts, are inefficient. Hence, the Parliament failed to implement recommendations from the Commission tasked to clarify events from 24th December 2014, when opposition MPs were forcefully evicted from the plenary session for adoption of the budget and journalists were expelled from the parliament gallery. Recently, the European Court of Human Rights has taken judgement on this case, according to which the state had violated Article 10 (freedom of expression), from the European Convention on Human Rights.

Improvement of Parliament's oversight mechanisms

The main oversight mechanism used by the Parliament concerns sessions for MP questions, which have been assessed as insufficient. In practice, MP questions are almost unequivocally addressed to the Government and line ministers, but not to officials appointed by the Parliament, although the Rules of Procedure allow such possibility. Also, the Parliament insufficiently uses oversight sessions which are established as mechanism by the Law on the Parliament, and should represent supervision instrument for enforcement of adopted laws and policies. In addition, the Parliament should improve and increase its role in reconsidering reports of regulatory bodies or human rights bodies. Mandatory reconsideration of these reports, at least on the part of working bodies, must be taken into account as possibility.

7) <https://goo.gl/x46wVP>

Improvement of financial transparency

Parliament of the Republic of Macedonia publishes the proposed budget, but not the final adopted version of the budget, semi-annual reports on budget execution or final balance sheets. Only document in this regard hosted on the Parliament's website is the proposed final balance sheet submitted by the Ministry of Finance. Moreover, the Parliament does not publish links to the official website of the State Commission on Prevention of Corruption, which hosts assets declarations of MPs, or links to the national portal on public procurements. Indicators on state budget openness have an exceptionally low score of 29%, therefore the Parliament should take serious measures to improve general, but also budget transparency.

Communication mechanisms with citizens should be promoted in a better manner

Parliament of the Republic of Macedonia has score of 61% under indicators for interaction with citizens: its official website includes separate section dedicated to communications between MPs and Parliament Speaker with citizens and this institution is present and active on social networks as well. But, despite these mechanisms, the Parliament's reports and other relevant documents do not include information on how much does the Parliament actually engages in communication with citizens and whether this practice leads to actual and efficient involvement of citizens, therefore mechanisms on communication with citizens need to be improved and promoted.

An especially important mechanism for communication between MPs and citizens are local offices established in municipalities, i.e. election districts of MPs where - according to the Law on Parliament - MPs should be available to meet citizens every last Friday of the month. However, the Parliament's annual report does not include information on manner and extent to which MPs have complied with this obligation and citizens' entitlement.

Research methodology

The openness is a key condition of democracy since it allows citizens to receive information and knowledge about an equal participation in the political life, effective decision-making and holding institutions responsible for policies they conduct.

A number of countries undertake specific actions towards increasing their own transparency and accountability to citizens. The Regional index of parliamentary openness is developed in order to define to which extent citizens of the Western Balkans receive opportune and understandable information from their institutions.

The Regional index of openness measures the extent of parliaments' openness to citizens and society based on the following four principles:

1. transparency, 2. accessibility 3. integrity and
4. effectiveness.

The principle of transparency includes the fact that organizational information, budget and public procurement are publicly available and published. Accessibility is related to ensuring and respecting procedures for free access to information and strengthening interaction with citizens as well. Integrity includes mechanisms for prevention of corruption, implementing codes of conduct and regulation of lobbying. The last principle, effectiveness, is related to monitoring and evaluation of policies which are conducted.

Following the international standards, recommendations⁸ and examples of good practice, these principles are further developed through quantitative and qualitative indicators, which are estimated on the basis of information availability on official websites, legal framework's quality for specific questions, other sources of public informing and questionnaires delivered to institutions.

Through more than 100 indicators, we have measured and analyzed openness of the parliaments in the region and collected more than 1000 pieces of data.

The measurement was conducted in the period from October to December 2016. Based on the research results, this set of recommendations and guidelines, directed towards institutions, was developed.

8) Standards and recommendations of numerous international organizations (such as Access Info Europe, EU, IPU, OECD, OGP, SIGMA, WORLD BANK, etc.) were analyzed.

Metamorphosis Foundation is an independent, nonpartisan and nonprofit foundation based in Skopje, Macedonia. Its mission is to contribute to the development of democracy and increase the quality of life through innovative use and sharing of knowledge. Our guiding values are openness, equality and freedom. Program areas that Metamorphosis operates in are:

- Social Innovations
- Environment
- Human Rights
- Good Governance

CIP - Каталогизација во публикација
Национална и универзитетска библиотека "Св. Климент Охридски", Скопје

328.187./.188(497.7)

NAUMOVSKA, Nada
Parliament openness in the region and Macedonia [(Електронски извор)] / [Nada Naumovska, Dance Danilovska]. - Skopje : Metamorfozis, 2017

Начин на пристап (URL): www.metamorphosis.org.mk. - Наслов преземен од екранот. - Опис на изворот на ден 05.05.2017. - Текст во PDF формат, содржи 11 стр. - Фусноти кон текстот

ISBN 978-608-4564-76-8
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а) Парламент - Транспарентност - Македонија
COBISS.MK-ID 103308810

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