Proposals for the improvement of a current state
Openness of institutions of executive power in the region and Macedonia

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Introduction

In cooperation with the partners from the “ACTION SEE” regional NGO network, Metamorphosis Foundation for Internet and Society prepared the policy paper in which we analyze the level of transparency, openness, accountability of the executive power in the Western Balkans region.

The paper represents a result of a comprehensive research, based on a scientific methodology, conducted by the members of the ACTION SEE network during the previous several months. The aim of our activities is to determine the actual state of play in the region through an objective measurement of the openness of the executive power and to address recommendations for its improvement. Also, we seek to improve the respect of the good governance principles, where openness occupies a significant place.

We believe these are the aims we share with the institutions covered by this research. The public policy proposal, with annexed analysis, is the second document of this kind. Last year, after the research was conducted, the network members gave recommendations on improving the openness of government institutions.

Based on the results found by the 2016 research, several analyses that provide an overview of the state of play in the RM and the region have been made, including noted drawbacks and good practices in this area. On the grounds of these analyses, recommendations and roadmaps on improving the specific areas covered by the research were prepared as well.

Basing their work on the findings and results found by the last monitoring, the ACTION SEE network members began improving and adjusting the research and indicator methodology, hoping that the newly gathered information will contribute to higher quality research results. The purpose of using new and improved indicators is adding new dimensions to the research as well as more effective contribution for enhancing the openness of institutions in the region.

With our previous knowledge, concrete results and analysis of the regional openness, and hope that the institutions of the executive power will be guided by the presented steps for improving the state of play in these areas and will work on enhance it, we decided to pledge ourselves to a higher level of openness of the government institutions in the region. Therefore, this year's research has been enriched with indicators that strive for a higher standard of proactive transparency.
Openness of institutions of executive power in the region

After the analysis of a number of methodologically circled data we noticed similarities and differences regarding the state in this area within regional countries.

Generally, results indicate that from regional perspective the openness of executive power is not on a satisfactory level. Instead of the expected progress in the area of openness, institutions of executive power in the region had even worse results in comparison to previous year. Openness approximately amounts to only 38% of fulfilled indicators, whereas the percentage for the previous year was higher, at 41%.

To remind, research conducted this year demanded higher level of openness of institutions in comparison to the previous year by addition of new indicators for measuring openness making the criteria more demanding. We believe that such more demanding research approach resulted in decrease in openness of institutions of executive power. On the other hand, results and analyzed data suggest that the institutions themselves generally performed no activities at overall development of openness, so the introduction of new indicators is not counterbalancing the drop in openness.

As found and stated in the analysis performed in 2017, as well as this year, policies of openness which are clear, consistent and grounded in strategic documents do not exist. The data also reveals that openness levels decrease from higher to lower levels of government and bodies with activities and policies closer to citizens.

Each country has its own specific political conditions in which it develops its transparency and openness, with which we will deal in the second part of this document, but a significant space for the joint regional cooperation regarding the improvement of situation can be noticed.

Decrease in openness at regional level, with the exception of the Government of Macedonia which made significant progress, shows that executive power institutions performed no activities on development of their openness in the past year. Focus of stakeholders in executive and legislative power on elections and elective process in the past year had determining impact on priorities set forth by governments in regional countries, and our research only offered a confirmation of that fact.
Lack of strategic approach to openness is still evident in the regional countries. The data obtained suggest that in large number of cases there is still no expression of openness and transparency of institutions of executive power in relevant documents (strategies, procedures or policies related to the issues). Although a small number of institutions of executive power has documents which, in a way, regulate their openness, the practice is not uniform, not in approach to openness, neither in type of document or bylaw regulating the issue. Uniformity is not present between the regional countries but also in institutions of executive power within one country.

Not even the presence of international initiatives advocating openness in regional countries contributed to increase in openness and transparency of institutions of executive power. Lack of internal policies and aspiration to work on improvement in these areas is clearly reflected on the presence of countries in such initiatives. The fact that willingness to work on improvement in the area of openness and transparency of the institutions of executive power in the region is lacking was confirmed by the lower number of institutions which had taken active part in the conducted research and delivered answers to questionnaires, key part of overall research, in comparison to the previous year. Lack of willingness to answer the questions in the questionnaire is by itself an indicator of decrease of openness and lack of interest in promotion of openness.

Recommendation that the strategic documents and annual action plans addressing the development of openness must be adopted remains. Within countries it is necessary to plan development but also to secure uniformity of openness of institutions of executive power. After introduction of strategic planning it is necessary to consider passing of the Law on Government and Ministries since that would present the most efficient manner of dealing with this, but also other issues in functioning of public administration. Our monitoring has shown several “critical points” i.e. critical obstacles for the development of openness in the region.

**Transparency and communication**

Although there are champions and examples of good practice in implementation of laws on free access to information among the institutions of executive power in the region, they are not widely present, not even within a single country of origin. Institutions of government still exercise their own will in determination of level to which the aforementioned law shall be implemented and the steps are not being taken in direction of introducing legal advancements in the area providing for proactive transparency, publishing of registers and guides for access to information and publishing of all the answers to requests for access to information.
Communication with citizens is far from satisfactory and in the future period we expect significant activities on improving the current state. Situation remains unchanged in the domain of modern ways of communicating with the citizens and classic methods of communication still prevail. Respecting the principle of publishing data in open data format which would increase availability and facilitate citizens’ data collection represents a regional problem.

Planning and spending of public funds

Practice of publishing financial information and documents is still highly ununiform, and transparency of spending public funds is at extremely unsatisfactory level. Strengthening the financial transparency should be in focus and also one of priorities of institutions of executive power in the region in the future which asks for special efforts to be taken in that direction. Information on budget, but also information on how planned funds were spent are rarely published. Ministries of Finances of the regional countries are in majority of cases the institutions which have history of published data, whereas other institutions of executive power scarcely and incompletely use this opportunity. Budget for citizens and ability to have citizens’ involvement in process of planning and spending public funds is possibility unknown to regional institutions of executive power. Also, practice of not publishing plans for public procurements is still widely present, while calls and decisions regarding public procurements and belonging contracts and annexes to agreements were not available in most cases.

Efficiency, effectiveness and citizens’ expectations from powers

A significant question of functioning of executive power and its openness towards citizens is a creation of clear indicators of the success of government policies, which will be available to citizens and according to which the citizens may monitor realization of policies and their success rate. Regional governments should yet establish single methods and procedures for high-quality control of their policies, and they do not have developed adequate methods for measurement of their policies’ performance. A sufficient attention was not paid to the establishment of single method according to which ministries would inform the Government about their activities annually. All stated items negatively reflect on informing citizens about impact and effects of operations performed by executive power.
Openness of the executive power in the republic of Macedonia

The openness of the executive power in the republic of Macedonia occupies the second place in the region, having fulfilled 49.6% of indicators. This significant improvement of the result was expected due to the commitment of the new Government for returning Macedonia on the road to its European integration.

The Government started publishing the session agendas, minutes from held sessions, as well as regular press releases after the held sessions; declassified and published documents and contracts signed with foreign investors sent guidelines to the ministries with a list of 21 document that have to be mandatorily published on their websites developed a tool for holding public officeholders accountable for their expenses abolished the compensation for material expenses regarding given public information in electronic form. The implementation of the recommendations given by the civil society sector on advancing the institutional openness made a valuable contribution to this, for instance the recommendations laid down in the regional roadmap for the Western Balkans countries. Given that the country has been a part of the Open Government Partnership initiative since 2011, and the state has promised that it will be constantly improving the foundations of open, transparent, effective and efficient state institutions that communicate and cooperate with the citizens, the recommendations given by the Independent Reporting Mechanism are taken into account lately and subsequent consultation process for creating the new Open Partnership Action Plan followed thereafter, work group on amending the Law on Access to Information comprised of stakeholders was formed as well. New Strategy on Public Administration reform for 2018-2022 was adopted, and one of its priority areas is responsibility, accountability and transparency of the public administration with commitment to strengthen the mechanisms for availability of public information as well as the capacities and competences of the Commission for Protection of the right to Free Access to Public Information. In addition, Open Data Strategy was also drafted which seeks to incent the publication and use of open data, thus contributing to increased transparency and accountability of state institutions, bettered quality of services they offer and stir up innovations at the same time.
On the other hand, the practice shows that not a single institution has been "sanctioned" for being insufficiently open. Notable differences have been created in terms of openness of the Government, ministries and other state administration bodies. In Macedonia, the research shows that, again, the index of openness has plummeted in regard to the Government, followed by the ministries and all the way to other state administration bodies, i.e. the Government demonstrated 7% completion of indicators, the ministries, 32% average, whilst other state administration bodies fulfilled only 24% of relevant indicators of openness. Hence, the concept of openness must be systematically addressed.

**Government of the Republic of Macedonia**

According to the Index of Openness, the Government of the Republic of Macedonia is ranked first in the region, with 7% completion of indicators. From a regional point of view, this result deserves attention and corresponds with new Governments commitment to advance the openness. However, Macedonia's objective is reaching the international standards, therefore we must not be conceited because of this result, since it does not meet the openness needs completely, which is evident from the high percentage of complaints for failure to exercise the right to access to information in 2017.

Government sessions will be completely transparent when the website will feature the documents considered at the government session as well as the documents adopted by the Government, which are later published in the Official Gazette of the Republic of Macedonia. This is especially important because the official gazette (both hard copy and online) is available with a fee. Additionally, albeit there are not any obligations for broadcasting the government sessions, and taking into account that press conference videos are regularly uploaded to Governments YouTube channel, the recording and broadcasting the government sessions is something worth considering, and by doing so, the citizens will be able to follow the discussion and the dynamics of sessions regarding certain policies that affect their standard and quality of life. The Macedonian Government has 69% completion under the index of transparency, 77% under the index of accession, 99% under the index of efficiency and 78% under the index of integrity. Only Montenegro has better completion under the index of integrity, which stands at 89%.

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18) Pursuant to the Law on Free Access to Public Information, active transparency obligates all information holders to publish information arising from the competence and work of the holders, such as programmes, strategies, stances, opinions, studies, public procurement calls and tender documentation, organization and expenses of operations etc. without being "directed" to do so by a specific decision of the Government of the RM, such as the case mandatory publication of the 21 document on the part of the ministries available at http://vlada.mk/informacijavenkarakter and http://vlada.mk/node/13604.


20) "The silence of the administration", which is the most common reason for submitting complaints to the Commission, has continued in 2017, and this is confirmed by the 569 complaints submitted due to information holders' failure to act upon requests for free access to public information during the legally stipulated deadline of 30 i.e. 40 days, states the Annual report for 2017 of the Commission for Protection of the Right to Free Access to Public Information, available at http://komspi.mk/wp-content/uploads/2016/06/%D0%93%D0%BE%D0%B4%D0%B8%D1%88%D0%BD-%D0%BB%D1%8B%D0%B8%BD-%D0%BD%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%BD%D1%98-2017-%D0%BA%D0%BE%D0%BD%D0%BD%D1%87%D0%B5%D0%BD.pdf

21) Available at https://www.youtube.com/user/VladaMakedonija
Proposals for the improvement of a current state

Transparency - budget transparency, public procurement and organizational information

For the first time, with the publication of the Civic budget, a document intended for the nonexpert public, the citizens of Macedonia have the opportunity to understand the budget for 2018 by means of graphic and narrative explanations. Having in mind that the budget is the main document that enlists government priorities in terms of policies, ensuring easy access to and understanding of the budget for citizens, the precondition for public participation in allocation of public funds has been met. Also, the searchability of the current state budget has been made easier, because the budget for 2018 is published in open format. This situation accounts for 87% completion under the index of budget transparency, which is significantly higher i.e. more than double than the average score in the region, which accounts for 3%. Governments website has published the public procurement plan for 2017 and all of its 4 amendments. To retain the accomplished 74% completion of the indicator of transparency in public procurements, and to be enhanced in the future, the Government needs to work continuously, which wasnt the practice in 2018 because the public procurement plan for 2018 hasn't been published yet.

Publication of annual work reports by the Government is one of the key instruments of openness, as well as control of its performance by the citizens. The practice of publishing annual work reports was inexistent in the past. For the period June 2017 - June 2018, a document containing the key measures and changes that have been implemented during the new Government's first year in office has been published, which also contains information on the total amounts of spent/provided funds for the measures, but the key measures and the changes are not linked with relevant budget accounts/programmes that have covered the costs.

Open Data

The Government has adopted the Rulebook on Open Data and the Law on Use of Public Sector Data. The new open data website established in 2014, www.otvorenipodatoci.gov.mk, was planned to allow all stakeholders to browse specific open data sets. The new Open Data Strategy with Action Plan 2018-2020 incorporates plans for modernizing the existing open data website and launching a new website, data.gov.mk, by the autumn of 2018. However, it is indispensable to implement the pledges to publishing the data in open data format, which will increase the accessibility and facilitate the collection and analysis of data on the part of the citizens. The Government has a score of 44% under the index of open data.
**Accessibility - interacting with citizens**

When it comes to civic engagement, it has been established that the Government is introducing mechanisms to operationalize the formally set rules for engaging the stakeholders in policy-creation, hence, it started Open Days for initiatives by civil society organizations[^32], realized in the form of monthly meetings on specific topics; the Council of the Government for Cooperation with and Development of the Civil Sector has become operative[^33]; representatives of civil society organizations take part in work groups for creating new policies, therefore it can be said that "good progress has been made in consulting civil society organisations (CSOs) and involving them in policy making and legislative processes"[^34]. In addition, with regard to spurring greater engagement of citizens and stakeholders in policy-creation, the deadline for consulting the stakeholders via the Unique National Electronic Register of Regulations was extended from 10 to 20 days. But, given that the country's start of EU accession start is certain, the Government ought to established structured dialogue with the civil society. As regards the index of accessibility, interaction with citizens subcategory, the Government fulfills 76% of the indicators.

**Ministries**

The ministries in the Republic of Macedonia have an average of 46% completion under the general indicators of openness. This humble result nearly equals the low level of openness of the ministries in the region, which have scored 42% under the indicators of openness. The last place, with 27%, is occupied by the ministries in Bosnia and Herzegovina, while the best score, despite their humble percentage, has been demonstrated by the ministries in Montenegro, with 62%.

Still, the percentages of ministries in the country vary from 32% of openness of the Ministry of Justice, which is below the average completion of the index of openness on the part of ministries, to the ministries who have the best scores - the Ministry of Labor and Social Policy with 64% and the Ministry of Finance with 63% completion under the indicators of openness.

On average, the ministries complete 56% of the index of transparency, and this percentage of completion is affected by published information about ministerial budgets (57%), information about the ministries' organizational structure (66%) and information about the public procurements[^35] (20%).

[^32]: Information available at [http://www.vlada.mk/node/15131](http://www.vlada.mk/node/15131)
[^34]: European Commission’s Report on RM for 2018, Strasbourg, 17 April 2018, page 13
[^35]: The research conducted between December 2017 - February 2018 assessed whether the public procurement calls, annexes and decisions on selecting from the implemented public procurements as well as public procurement plans are published.
This average score has been significantly bettered than the regional average completion of the indicators of transparency, which stands at 49%, due to the fact that the Macedonian ministries are obliged to publish information on other websites as well, in accordance with the laws. A practice has been established this year, and 90% of ministries publish public procurement plans on their respective websites, while 2/3 of ministries do not publish the calls (announcements) and/or decisions on public procurements on their websites. Pursuant to laws in Macedonia, information about public procurements are published on the Electronic System for Public Procurements, but according to the international standards on transparency, such information has to be published on the website of the respective institution.

In the same vein with the previous recommendation are the recommendations on publishing budget-related information on all ministries' websites, which were obligated by the Government itself to publish their budgets as a part of the list of 21 mandatory document featured on their websites. The Ministry of Finance published all information related to openness of the budgets, therefore has a high score of 99%. The ministry complies with its law-stipulated obligation on publishing semi-annual reports on budget spending, annual budget and final trial balance which, inter alia, contain budget information for other ministries, but that does not mean that ministries themselves are not supposed to publish information on their websites in order to make them more easily accessible to citizens. In addition, the ministry introduced a special "statistics" section on its website, which published the annual budgets and the final trial balances of the budget, state of play with state and public debt up to and including 31 March 2018, statistical overviews etc. in open data format. Among the ministries, great results related to indicators of the budget have been shown by the Ministry of Interior (99%), Ministry of Transport and Communications (99%), Ministry of Labor and Social Policy (91%), Ministry of Local Self-Governance (91%) and the Ministry of Environment and Physical Planning (82%).

The ministries have demonstrated a humble score regarding the index of accessibility, access to information subcategory, which stands at 43%, and almost equals the regional average of 44%. With regard to the regional score of access to information, Montenegro holds the first position with 65%, Serbia 62% and Albania 60%, followed by Macedonia with 43%, Kosovo 42%, and at the bottom of this list is Bosnia and Herzegovina with a score of 23%. These results imply that the practice of active publishing public information should be advanced in the country, because according to the Global Right to Information Rating, Macedonia ranks 16 out of 110 states, while compared to the Montenegrin law, it ranks much lower on this list, holds the 50th position, but the Montenegrin index of access to information betters the Macedonian.
The ministries have the poorest scores when it comes to fulfilling the indicators of preventing conflict of interest, and it stands at 19% since they do not publish officials' asset declarations their websites and often fail to upload links to the State Commission for Prevention of Corruption where said asset declarations are uploaded pursuant to the law. Furthermore, no ministry has published an integrity plan or any other internal policy for fight against corruption on their websites (which includes measures for preventing or eliminating various forms of corruptive and unethical conduct in an institution).

Given the shared data as well as the data contained in the database, it is evident that the ministries have to improve their openness like the Government has done. Still, it is important to point out that the dedicated engagement of the ministries in the separate phase of this research has resulted with 100% response rate of the additionally submitted questionnaires containing research questions for in-depth analysis of the openness of the institutions. By doing so, the executive power confirms its commitment to greater openness and communication.

**Other executive bodies**

The openness of other executive bodies is low in all states in the region and ranges from 15% to 41% fulfillment of indicators. In Macedonia, the openness of the executive bodies stands at 24%.

Regarding the four subcategories in the index of openness, their individual score is 30% fulfillment of the indicators of transparency, while the fulfillment of the indicators of integrity and effectiveness stands at insignificant 4% and 6% respectively. In other words, they do not publish information related to assumed obligations and conducting training sessions for employees on topics such as conflict of interest, prevention of corruption, whistleblowing cases of corruption, they haven't published an integrity plan or any other internal policy for fight against corruption and there is no information related to monitoring, evaluation and reports on their work.
Most of the other executive bodies neither publish data on public procurements on their websites nor refer to a link to the electronic system for public procurements, thus the overall percentage of fulfillment the indicator of transparency in the public procurements subcategory is 9. With regard to publishing budget-related information, 13% have published the annual budget for the last 3 years, and 13% have also published the semi-annual report on budget spending.

Information on the organizational set-up is insufficient, but are above the average fulfillment of the indicators of transparency, while the fulfillment of indicators related to organizational set-up stands at 41%. The names and/or positions of employees are published by 56% of the executive bodies, while the organograms, scope of work and/or biographies are published by 74%.

Interaction of other executive bodies with citizens is exceptionally low. With only 8% fulfillment of indicators, the bodies ought to seriously consider the possibilities for providing the citizens with an online platform for lodging complaints and remarks on their work.
Methodology of research

Openness represents a key condition of democracy since it allows citizens to receive information and knowledge, necessary for an equal participation in political life, effective decision-making and holding institutions accountable for policies which they conduct.

Around the world institutions undertake specific activities with the aim to increase their transparency and accountability to citizens. The Regional Index of Openness was established in order to define to which degree citizens of the Western Balkans receive opportune and understandable information from their institutions. The Index of Regional Openness measures a degree up to which institutions of Western Balkan countries are open for citizens and society and it is based on the following four principles: (1) transparency, (2) accessibility, (3) integrity and (4) effectiveness. The principle of transparency includes that organizational information, budget and procedure of public procurements are publicly available and published. Accessibility is related to ensuring and complying with procedures for a free access to information, improving accessibility of information through a mechanism of a public debate and strengthening interaction with citizens. Integrity comprises a mechanism for prevention of corruption, conducting code of ethics and regulations of lobbying. The last principle, effectiveness, refers to monitoring and evaluation of policies conducted by institutions. Following international standards, recommendations as well as examples of good practice, these principles are further developed through special quantitative and qualitative indicators, which are evaluated on the basis of: accessibility of information on the official websites of institutions, quality of a legal framework for individual issues, other sources of public information and questionnaires delivered to institutions.

By using more than 110 indicators per institution we have measured and analyzed the openness of the executive power in the region and collected over 1000 pieces of data. The collection of data was followed by a process of data verification, which resulted in standard error of +/- 3%. The measurement was conducted from December 2017 to late March 2018. A set of recommendations and guidelines for institutions was developed on the basis of research results.

ActionSEE is a network of civil society organizations that jointly work on promoting and ensuring government accountability and transparency in the region of South-East Europe, raising the potential for civic activism and civic participation, promoting and protecting human rights and freedoms on the internet and building capacities and interest within civil society organizations and individuals in the region in using technology in democracy promotion work.
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:

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- Human Rights
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