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# ASSESSMENT OF GOOD GOVERNANCE IN NORTH MACEDONIA AND THE REGION THROUGH THE OPENNESS INDEX

## PARLIAMENT AND THE EXECUTIVE GOVERNMENT

Metamorphosis Foundation

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 **ActionSEE**

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**Metamorphosis Foundation**

Based on the measuring for 2019

Skopje, June 2020



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## ABBREVIATIONS

<b>ACTION SEE</b>	Accountability, Technology and Institutional Openness Network in South East Europe
<b>CSO</b>	Civil Society Organization
<b>CV</b>	Curriculum vitae
<b>GRECO</b>	The Group of States against Corruption
<b>IRM</b>	International Reporting Mechanism
<b>ENRR</b>	Electronic National Register of Regulations
<b>EU</b>	European Union
<b>FOI Law</b>	Law on Free Access to Information of Public Character
<b>MP</b>	Member of Parliament
<b>NATO</b>	North Atlantic Treaty Organization
<b>OGP</b>	Open Government Partnership
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>PR</b>	Public Relations
<b>RIA</b>	Regulatory Impact Assessment
<b>TAIEX</b>	Technical Assistance and Information Exchange instrument of the European Commission








With the support of USAID's Civic Engagement Project and the National Endowment for Democracy, Metamorphosis Foundation in cooperation with the partners from the regional network of CSOs *Accountability, Technology and Institutional Openness Network in South East Europe (ACTION SEE)*<sup>1</sup>, has prepared an assessment of the state of good governance of the parliaments and the executive branches of the central governments of four Western Balkan states – North Macedonia, Serbia, Montenegro and Bosnia and Herzegovina. The assessment is the result of a comprehensive empirical research based on the Openness Index<sup>2</sup>, which aims to determine the degree to which good governance principles are observed in the region. This paper provides an in-depth analysis of the performance of the Executive Government and the Parliament of the Republic of North Macedonia in particular, but also provides a summary of the overall performance of the respective institutions in our region. The regional perspective serves as a reference to how the states of the region are advancing toward improving good governance and the rule of law that leads them toward their strategic goal of EU membership.

This paper is enriched with practical recommendations as to how the executive government and the Parliament in North Macedonia can improve their observation of the good governance principles in the future. The recommendations will be communicated to senior civil servants in all of the monitored institutions through meetings as well as to the general public via social media and public events.



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- 1 The Accountability, Technology and Institutional Openness Network in South East Europe (ACTION SEE) 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.
  - 2 The Openness Index consists of four different components – (1) transparency, (2) accessibility, (3) integrity and (4) awareness each measuring the openness of a different branch of governance: local government, central government, judiciary and Parliament



# 1. INTRODUCTION

In March 2020, after an eleven years long wait, North Macedonia received the approval of the Council of the European Union to start accession negotiations, a decision which was justified with the country's advancement toward democratic reforms<sup>3</sup>. In the same month, North Macedonia became a member state of the North Atlantic Treaty Organization (NATO). Due to the membership conditionality, both processes are broadly perceived as indicators that a country has functioning institutions and democracy, holding the interest of the people as a core value. The EU membership is associated with economic prosperity, improved quality of life and safety, which explains the overall public support for EU integration at 74%<sup>4</sup>.

Nevertheless, the debate on the level of good governance in North Macedonia is far from finished with the achievements of these milestones, especially given the underlying observation that despite the fact that the country's legislative framework is sound and to a great extent in harmony with the EU law, its effective implementation and strategic monitoring is often stumbling.

This paper analyses the openness of central government institutions in North Macedonia and the Assembly of the Republic of North Macedonia in 2019 and, based on the situation analysis, provides recommendations to the institutions on how to improve their performance. The analysis and recommendations provided here will serve as the foundation of the advocacy activities of Metamorphosis Foundation toward promoting good governance principles among the institutions. The research is repeated at an annual level and allows us to compare the degree to which these recommendations will be acted upon.

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- 3 European Commission (2020). Update on the Republic of North Macedonia. Brussels. March, 2020. Retrieved from: <https://bit.ly/3hwikgz>
  - 4 International Republican Institute (2020). Wester Balkans Regional Poll February 2 – March 6, 2020. June, 2020. Retrieved from: <https://bit.ly/2WAD26l>



## 2. METHODOLOGY

It is worth noting that, besides being a widely used term in political discourse and policy analysis, good governance remains a fluid concept without a clear definition. Its meaning is mainly shaped by the purpose for which it is used and the components it focuses on change accordingly. A widely accepted interpretation is that it refers to *a government system which produces results that meet the needs of the society by making the best use of the available resources.*<sup>5</sup> As such, it corresponds with the standards applied in the western liberal democracies that developing countries, as North Macedonia, are looking up to and aiming toward.

The Openness Index is led by this framework of principles, yet remains aware of the cultural as well as historical developments in the country and the region that affect institutions as well. Its methodology ensures that the research results are technically and politically valid to draw conclusions regarding the level of good governance of the institutions in the country. The Openness Index assesses the performance of the executive government and the parliaments in the area of good governance by focusing on four pillars: (1) accessibility, (2) awareness, (3) integrity, and (4) transparency with a cross-cutting domain observed throughout all four pillars – open data. The four pillars of the Openness Index define and assess good governance along these principles: **accessibility** assesses the degree at which the right to information is guaranteed by law and in practice, as well as the quality of the mechanisms for engagement and consultation in policy-making processes; **awareness** looks at the institutions' commitment to learn from ongoing processes and improve them through established monitoring, evaluation and learning systems – by using milestones/indicators during strategic planning and reporting; **transparency** assesses the public availability of organizational information, budget and public procurement procedures; while **integrity** evaluates the presence of mechanisms for the prevention of conflict of interest, the regulation of lobbying, as well as the availability of a Code of Ethics to guide and sanction the behavior of the civil servants and public administration. Each pillar of the Index consists of subdomains and indicators weighted with the adequate value within their pillars.

The methodology was developed by consulting a wealth of credible resources emphasizing international best practices and standards of good governance, as are the World Bank Institute, Organization for Economic Co-operation and Development resources, the Open Government Guide, Global Integrity Report, and Indicators of Governance and Institutional Quality developed by the World Bank.

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<sup>5</sup> Kaufmann Daniel and Kraay Aart. Governance Indicators: Where Are We, Where Should We Be Going? Policy Research Working Paper. Retrieved from: <https://bit.ly/2BkF83i>; United Nations Economic and Social Commission for Asia and the Pacific. What is Good Governance? Retrieved from: <https://bit.ly/3hla5Uh>; World Bank. Worldwide Governance Indicators. Retrieved from: <https://bit.ly/2WByFlr>

The research was carried out between January 2020 and April 2020. The sample of targeted institutions consists of 51 institutions in total, including the General Secretariat of the Government, 16 ministries and a 33 randomly-selected executive agencies, as well as the Assembly of the Republic of North Macedonia. The research methods consist of (1) monitoring the websites of the targeted institutions for a set of indicators, (2) a questionnaire submitted to the institutions to confirm the observations of the online monitoring, (3) a request for access to information of public character with the intention to assess the ease at which this fundamental right is enabled by each institution as well as (4) screening of the legislative framework.

The measurement error is +/- 3%. Based on the results of the research, we conducted an analysis with key critical points and problems in the field of openness of institutions that we hope are useful for improving their work.

**Out of the 50 monitored executive institutions, only 42% responded to the questionnaire, 12 of which are ministries and 11 executive agencies.**

It is important to note that in cases when institutions failed to deliver their answered questionnaires, indicators relying on the respective source were marked with 0, as were the indicators that were not completed. Namely, out of the 50 targeted executive institutions, 24 (42%) responded to the questionnaire while the remaining 26 (58%) automatically score 0 in the respective indicators. Of the institutions that did not answer the questionnaire, 4 were ministries and 22 were executive agencies. The Assembly of the Republic of North Macedonia responded to the questionnaire. Another important methodological note is that the recently established Ministry of Political Systems and Inter-Community Relations (April, 2019) did not have a website at the time when the online monitoring was conducted and is among the institutions that failed to deliver a filled-in questionnaire, therefore, scores 0 in the respective indicators. Since monitoring was not possible for this institution it was excluded from the calculations of the overall score of the institutions. Yet, to emphasize the immense weakness and the urgency of swift reaction, as well as to be able to address it with the recommendations deriving from this research project, we decided to keep it in the sample.







## 3. OPENNESS OF THE PARLIAMENTS IN THE REGION AND IN THE REPUBLIC OF NORTH

### 3.1 Parliamentary openness in the Western Balkans region

Openness, transparency and accessibility of the parliament as the highest representative body, are one of the key indicators of its democracy, and thus the democratization of society as a whole. A functional and effective parliament, proactive in publishing information about its work, accessible to citizens and open to cooperation with the media and civil society, is a prerequisite for ensuring the rule of law. Therefore, the principles of openness and transparency in the work of the parliament are an important segment of the necessary reforms in the process of EU accession of the Western Balkan countries. However, despite the formal fulfillment of tasks, our data indicates modest results in this field.

The openness of parliaments in the region is still not at a satisfactory level. Our research indicates that parliaments have entered a phase of stagnation and even setbacks in certain segments of openness. Progress occurs only in isolated cases, so we do not have much reason to be pleased.

Our survey results show that the parliaments in the region currently meet an average of 51.9% of openness indicators. Montenegro had the most open parliament in the region with two thirds of the indicators met (67.5%), followed by North Macedonia (65.6%), the National Assembly of Serbia with slightly less than half of the indicators met (45.4%)<sup>6</sup>, while the parliaments in Bosnia and Herzegovina met on average 36.4%<sup>7</sup> of the openness indicators. Significant differences in the openness of parliaments in the region represent a continuation of the trend recorded in previous years, which shows that the legislature in Montenegro and North Macedonia continuously records better results in openness than the legislature in Serbia or Bosnia and Herzegovina.

In continuation we present the "critical points", i.e. the key obstacles that hinder further progress in the openness of parliaments in the region.

6 The National Assembly of the Republic of Serbia meets 45.4% of the openness indicator, and the Assembly of the Autonomous Province of Vojvodina 31%.

7 The Parliament of the Federation of Bosnia and Herzegovina meets 33.8% of the openness indicators, the Parliamentary Assembly of Bosnia and Herzegovina meets 36.4%, and the National Assembly of the Republika Srpska meets 39% of the openness indicators.

### 3.1.1. Without a strategic approach to openness policies

The lack of a strategic approach to openness policy by legislators in the region has been a burning issue for years, which the ACTION SEE team has been warning about since the start of monitoring the openness of the legislature in the Western Balkans in 2016. Unlike the executive, during 2019, none of the parliaments in the region made a step forward and adopted strategic documents in the field of openness and transparency of their work. Precisely due to this shortcoming, the openness of parliaments in practice still depends primarily on the interpretation of the current parliamentary leadership, i.e. the readiness of the parliamentary majority to adhere to democratic principles and rules of good governance, which is a significant obstacle to improving their effectiveness.

The results of the research on the openness of parliaments in the region have warned for years that the work of parliaments is not based on the establishment of a unified methodology and appropriate indicators for measuring the results and quality of their work and the work of MPs. The legal basis and capacity of parliaments to conduct an analysis of the effects of laws and other legal acts adopted by the parliaments are still largely lacking.

Although there is a good legal basis for parliamentary oversight, it is noticeable that the application of available mechanisms in practice remains weak. Improving this aspect of efficiency in the work of the parliaments is a precondition for progress in the process of European integration, given that the European Commission pays special attention to the effective implementation of control over the work of the executive, as a key aspect of the functional division of power.

### 3.1.2.. Inadequate level of proactivity in publishing information

Declarative commitment to international standards of transparency in the work of the parliaments and MPs often has no basis in practice. The availability of documents and materials discussed at the sessions of plenums and working bodies of the parliaments, as well as financial information, remains unsatisfactory. While parliaments are largely transparent when it comes to organizational information, transparency indicators regarding public procurement and the state budget in the case of the parliaments in Serbia and North Macedonia have been met to a lesser extent.

In addition to the lack of strategic planning, the lack of proactivity in developing and promoting a culture of openness is also reflected in the (unwillingness) of parliaments to respond to questions and requests for access to information submitted by civil society organizations. Parliaments in the region are largely inclined to formally fulfill their obligations in terms of transparency and openness, in accordance with legal provisions guaranteeing free access to information of public importance. The parliaments of Serbia and Montenegro responded to the request for free access to information submitted during this research, as did the parliaments of the Federation of Bosnia and Herzegovina and Republika Srpska, unlike the Parliamentary Assembly of Bosnia and Herzegovina and the Assembly of the Republic of North Macedonia. However, the motivation to substantially improve transparency in the work of parliament, to provide information and to cooperate with civil society and citizens, largely lacks outside the legal obligation. The answers to the questionnaires we sent to the parliaments, in order to analyze in more detail certain segments of the openness of their work, were submitted only by the parliaments in Montenegro, North Macedonia and the National Assembly of the Republika Srpska. In the entire region, only the parliament of North Macedonia is involved in

the Open Government Partnership (OGP). It is essential that the parliaments in the region fully recognize the importance of cooperation with civil society, its role and significant contribution to a functioning democratic system, and that they improve the mechanisms for cooperation with them.

### 3.1.3. Inertia in the interaction with citizens

The inertia of the parliaments in interacting with citizens is still one of the weakest points in terms of the accessibility of parliaments in the region. The Assembly of the Republic of North Macedonia, with 64.9% of met indicators in this area, stands out as an example of good practice in citizen interaction. On the other hand, the parliament in Montenegro, as the most open parliament in the region, met only 33.3% of indicators in the field of citizen interaction, slightly more than the parliament in Serbia with 29.8% of met indicators, while the worst results were recorded by the parliaments in Bosnia and Herzegovina with less than 10% of met indicators.

One of the key obstacles to making parliaments more accessible is the underutilization of the benefits of new technologies and the opportunities that new communication channels provide to bridge the gap between the citizens and their representative institutions. For example, no parliament in the region has taken a step forward and offered citizens the opportunity to submit e-petitions. Publication of data by parliaments in an open format is much more often the exception than the rule, thus reducing both the availability and the use value of published information. When it comes to communication with the public, parliaments in the region continue to rely heavily on traditional channels of communication. The social networks Facebook and Twitter are actively used as a channel of direct communication with citizens only by the Assembly of the Republic of North Macedonia, while all other parliaments in the region do not have official profiles on these social networks.

## 3.2. Openness of the Assembly in the Republic of North Macedonia

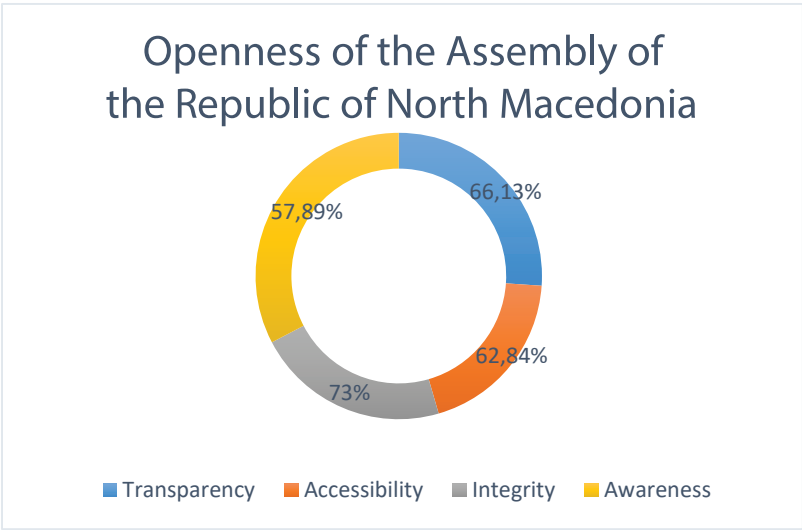


Chart 1. Openness of the Assembly of the Republic of North Macedonia through principles (domains)

As the second most open Parliament in the region, the first one being the Parliament of Montenegro (67.53%), the Assembly of the Republic of North Macedonia meets 65.63% of the openness indicators. This score is almost the same as the score in the last year's measurement, but given that the methodology for this year's research was improved, there have been some slight improvements in the openness of the Parliament over the last year.

In attempt of achieving bigger transparency and accountability towards the citizens, as of February 2017, the Assembly became part of the **Open Government Partnership – Open Parliament initiative**, committing towards strengthening their service to meet the increased responsibilities. As part of the fourth National Action Plan for Open Government Partnership 2018–2020<sup>8</sup>, the Assembly's commitments are in the direction of filling vacant job positions and officials' training, increasing financial transparency, better access to information, fully functional Parliamentary TV Channel and improving the participation of citizens in the Assembly's legislative and supervisory process.

In the direction of improving its financial transparency, in February 2020 there was an opening of the **Parliamentary Budget Office**<sup>9</sup>, as a separate organizational unit i.e. analytical center for the promotion of parliamentary financial oversight through the preparation of expert financial and budget analysis for the needs of Members of Parliament (MPs) and working bodies. This new body is foreseen to prepare information for the MPs on the budget, rebalances, annual accounts of the State budget, financial reports of the State Audit Office and other independent bodies established by the Assembly, but its functioning is yet to be seen.

On the suggestion of the Inter party parliamentary group on the rights of persons with disabilities and for the purpose of improving the citizen participation in the political processes, in December 2019, the Assembly adopted the **Declaration on the right to political participation of citizens with disabilities**<sup>10</sup> which marked a big step towards equity and inclusion in the country.

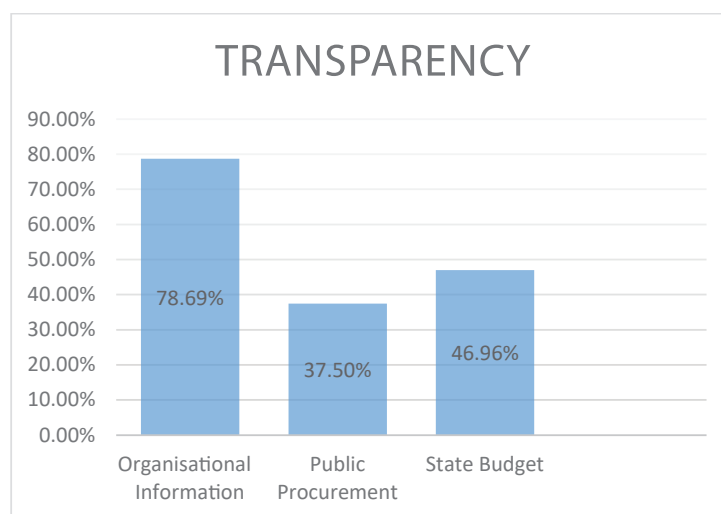
Given the marginal progress since last year the Assembly still ranks second in the region regarding the openness of parliaments in the Western Balkan region. However, a major setback is observed in comparison to other institutions in North Macedonia as the Assembly has dropped from the second place to the fifth. This mostly accounts to the marginal efforts of the Assembly in meeting the openness indicators as opposed to the improved performance of the other institutions among which the Government of the Republic of North Macedonia (75.86%), Ministry of Information Society and Administration (76.01%), Ministry of Defense (72.47%) and Ministry of Finance (71.57%).

8 Ministry of Information Society and Administration (2018). Open Government Partnership National Action Plan 2018-2020. Retrieved from: <https://cutt.ly/9ygQUQ6>

9 Meta.mk News Agency (2020). Open Parliamentary Budget Office for Better Supervision of Public Finance. Retrieved from: <https://cutt.ly/fu8npBe>

10 Assembly of the Republic of North Macedonia (2019). The adoption of the Declaration on the right to political participation of citizens with disabilities celebrated with a special ceremony in the Assembly. Retrieved from: <https://cutt.ly/2ibHW0R>

### 3.2.1. Transparency of the Assembly of the Republic of North Macedonia



*Chart 2. Transparency indicators met by the Assembly of the Republic of North Macedonia through sub-domains*

Given that the Assembly is an institution directly elected by and accountable to the citizens, its lack of strategic approach towards openness is not encouraging. Apart from the Assembly not having a separate policy for ensuring its openness and transparency, the Assembly also does not have a separate parliamentary Communication (PR) strategy, although in the questionnaire they reported that they have a separate Plan for education and specific communication with the public, which is not available on their website. Among the main shortcomings is also the lack of an annual work program of the Assembly, even though they provide thorough annual reports of the work of the Assembly and its working bodies (committees).

Having in mind the most recent studies conducted by CSOs<sup>11</sup>, there is a trend for using the website of the Assembly as a source of information about the Parliamentary work, amplifying the strong need for its modernization. This goal was also part of the fourth National Action Plan for Open Government Partnership 2018–2020, as it has a dated structure that does not facilitate the communication channels nor does it encourage citizen participation. Upon the upgrading of the website, attention should be paid to the migration of all the information from the previous website, and uploading the missing documents in an open format for each section respectively.

Although currently the website is available in four languages (Macedonian, Albanian, English and French), the information should equally be updated in all four language versions, not only referring to the news section but also all the accompanying documents. At the time of the research and in regards to the news section, the Macedonian, Albanian and English version were more or less updated with the same content, unlike the French version which has not been updated since the end of 2017.

<sup>11</sup> Institute for Democracy „Societas Civilis“ – Skopje (2019). Citizen perception on the work of the Assembly: Comparative analysis for the period 2009-2019. Retrieved from: <https://cutt.ly/Uic4sZB>

To proceed on a positive note, we must acknowledge the Assembly's continuity in implementing the already established good practices of openness. Apart from not considering our recommendation on publishing the MPs' salaries and the funds they have requested for travel expenses, the Assembly has continued to regularly publish the work agendas and session calendars of the plenary sessions of the committees, the drafted legislations and amendments, the videos and transcripts of the plenary sessions, the attendance and voting patterns of the MPs as well as their biographies and contacts. However, it is also important that the Assembly publishes a list of MPs with their contacts in a structured and open data format. Currently their data is under separate profiles which makes it difficult to extract their contact e-mails from 120 profiles in case one wishes to contact them all.

Our recommendation for a bigger openness of the committees was partially met by the Assembly, as they started announcing the presence of the MPs in the sessions and publishing the transcripts of the committees' sessions, but what still remains as a remark is the need to publish the voting records of the committees as well as videos from the committees' sessions which despite some of them being broadcasted on the Parliamentary TV channel, are not visible on the Assembly's website.

When it comes to the documents that come out as a result of the committee sessions, only part of them are published on the website and this should be a unified practice for all the committee sessions. However, what CSOs<sup>12</sup> alert about is the large differences between individual committees when it comes to the quality of the minutes from the committee sessions, urging for the good practice of the committees which perform better to be followed by the committees with lower performance in this aspect.

Furthermore, as this is not currently a practice of the Assembly, it is recommended that they should publish expert opinions of the international bodies (European Commission, Venice Commission, TAIEX etc.) together with the draft laws.

### 3.2.1.1. Financial transparency

The Assembly marks the disclosure of financial transparency data as one of the measures under the Open Government Partnership – Open Parliament initiative due to the need to increase the financial transparency but also the Parliamentary budget autonomy. The Assembly notes some improvements in this area although its financial transparency proceeds to represent a weak segment in the information spectrum published by the Assembly on its website.

In 2019, the Assembly started the practice of publishing the Parliamentary Budget, but has still not published the Citizens' Budget on the Parliamentary website, nor is there a link to the website of the State Commission for Prevention of Corruption, where the asset declarations of MPs are published. There are also no financial reports periodically published on the website, as well as no mid-year report on the State budget spending.

Unlike in the previous years, in 2019 the Assembly obtained the practice of publishing their annual public procurement plan with all changes and updated versions, but it neglected to publish the public procurement calls, decisions, contracts and annexes to contracts which

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<sup>12</sup> Citizens' association MOST (2019). Summary report from the Index of Accountability, Transparency and Productivity of the Parliament for 2019. Retrieved from: <https://cutt.ly/ticlXFg>

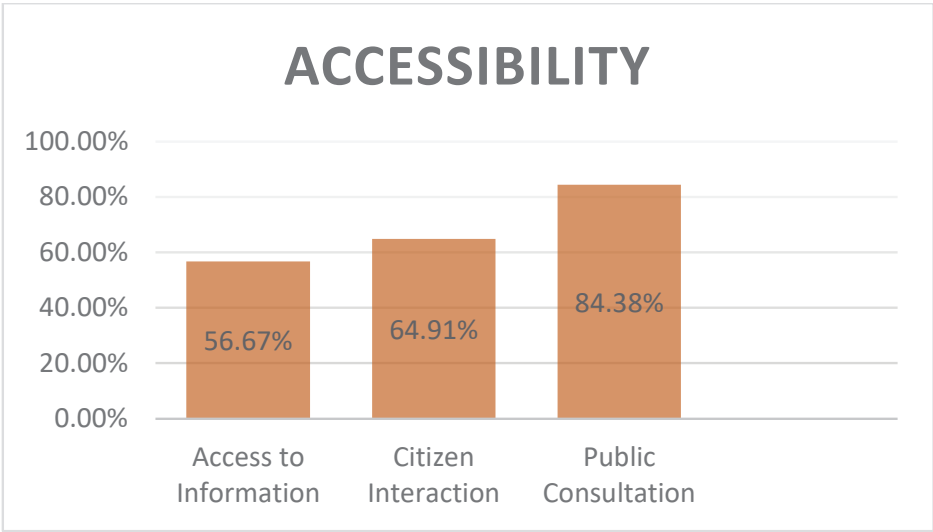
apart from being available on the Single Public Procurement System, should also be regularly published on the website of the Assembly. Additionally, they do not have an annual report on all public procurements available on the website, which is a general recommendation for all institutions in North Macedonia as users of the State budget since close to none of them have this practice.

When it comes to the legislations connected to public procurement, the Law on Public Procurement does not oblige the public procurement officials to submit asset cards which should be a necessity in order to prevent a chain of corrupted activities. Another disadvantage of the Law is the lack of a requirement of beneficial ownership of all bidders to be collected and publicly disclosed.

What is a downside in the legal framework is that the executive is not formally required to engage with the public during the formulation of the budget process. In this way, the citizens are not involved in how their tax money is going to be allocated and it leaves space for the creation of an arbitrary budget that does not meet the needs of the community.

When it comes to the last State budget proposal, same as before, only the Legislative Committee and the Budget Committee discussed it at a separate committee session which should be a practice for all the committees.

### 3.2.2. Accessibility



*Chart 2. Accessibility indicators met by the Assembly of the Republic of North Macedonia through sub-domains*

### 3.2.2.1. Access to information

**The Law on Free Access to Information of Public Character**<sup>13</sup> has last been updated in 2019 and it obliges the holders of public information to provide it upon request in 20 days, whereas the practice in other countries in the Western Balkans is 15 days or less.

The website of the Assembly still does not have a person responsible for access to information of public importance, a list of public information nor information for exercising this right, and has not yet published the information for which free access has already been approved. In 2019, according to the answers from the Assembly to our questionnaire, the civil servants have not received any capacity building on providing this service which in the Macedonian legislation is the legal obligation of the Agency for protection of the right to free access to public information. In that direction, the Assembly did not respond to our request for free access to public information that was part of our research, although they did respond to our questionnaire.

When it comes to the capacity building of the civil servants on the concept of open data and instructions for using and publishing open data, there has been no such activity in 2019 which is potentially the reason why part of the published documents are still in an electronically unsearchable format.

### 3.2.2.2. Public consultations and citizen interaction

The Rulebook of the Assembly of the Republic of North Macedonia (Article 122, point 2) allows for CSO representatives and independent experts to participate and follow the work of the committees, i.e. to attend, comment and pose inquiries. In 2019, CSO representatives were present at 32 sessions of the committees, most of which were in the form of public debate.

For requesting public opinion for a certain Law, Strategy, Declaration or similar, it is a practice that the committees invite CSOs to participate in public discussion and only the Standing inquiry committee for protection of civil freedoms and rights has published a Call for comments and suggestions from the public, which should be a practice for all the committees. According to the information provided from the Assembly, in 2019 the committees requested the public (external consultants, representatives of CSOs) to give comment on a certain Law/Strategy/Declaration/or similar, between 10 – 50 times.

For the purpose of establishing a closer communication between the citizens and MPs, and to increase the public participation in the work of the Assembly, the Assembly has established Constituency offices at local level (Offices for contact with the citizens<sup>14</sup>) where for one day in the week citizens have the possibility for exchanging information, proposals and suggestions. The Assembly's website contains a map where citizen can find the location and contact of the office that is the closest to their residence. Furthermore, the Assembly has a civic education program for children, high-school students and university students which they implement through the Parliamentary Institute. There is also the possibility of a guided physical or a virtual tour of the Assembly. Educational materials such as quizzes, publications and brochures are also available on the website, but most of them are rather dated and the Parliamentary library

<sup>13</sup> Закон за слободен пристап до информации од јавен карактер. [Law on Free Access to Information of Public Character]. Retrieved from: <https://cutt.ly/8yr2coD>

<sup>14</sup> Offices for contact with the citizens. Retrieved from: <https://cutt.ly/Kic6w0r>



only offers information about the publications but not an online version of the same.

In order to further improve the degree of citizen interaction, apart from there being the possibility for the citizens to address the MPs and the Speaker of Parliament via e-mail, as we have already recommended in the past, the Assembly should publish guidelines for raising concerns, complaints and making appeals on their website. The guidelines should also be accompanied with an online form where citizens can express their concerns, complaints and make appeals. There is also no special channel for e-petition, and as recommended in the previous years, the design of the new website should be aimed at facilitating the communication channels with the citizens and encourage their participation.

What is encouraging is that the practice of adopting laws in a shortened procedure is less frequent, ranging from 2016, where out of 366 adopted laws, 238 were adopted in a shortened procedure; to 2019, when 106 out of 209 laws<sup>15</sup> were adopted in a shortened procedure due to the laws not being of complex nature. However, we strongly emphasize that the practice of adoption of laws in shortened procedure must be limited to envisaged conditions only, as this practice further reduces the possibility of high-quality consultative processes.

### 3.2.3 Integrity



*Chart 3. Integrity indicators met by the Assembly of the Republic of North Macedonia through sub-domains*

As of 2018, the Assembly adopted the Code of Ethics for MPs<sup>16</sup>, but what we have detected as a downside of this document is that apart from it regulating issues on conflict of interest, use of state property, gifts and favors, it fails to regulate the political activity of the MPs. It is imperative that the MPs stay politically neutral when it comes to executing their duties in a loyal and reliable

<sup>15</sup> My MP January – June 2019. Retrieved from: <https://cutt.ly/MpSTUB0> ; My MP July – December. Retrieved from: <https://cutt.ly/6p-SUeSd>

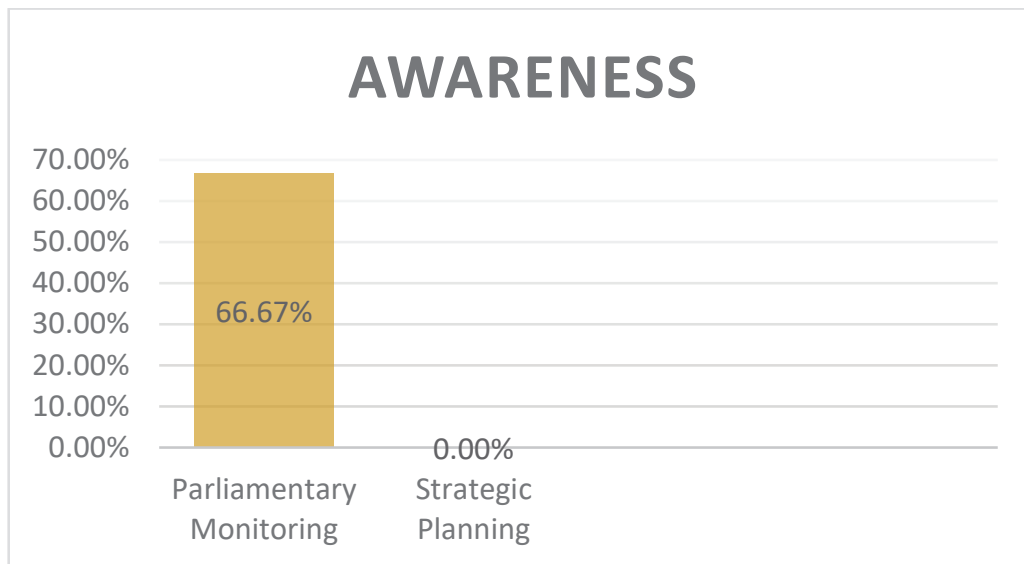
<sup>16</sup> Кодекс за етичко однесување на пратениците во Собранието на Република Македонија [Code of Ethical Conduct for Members of the Parliament of the Republic of Macedonia]. Retrieved from: <https://cutt.ly/WiXdrWF>

way, thus abstaining from political activity and keeping distance from any political influence or pressure, which is why there is a need for this aspect to be legally regulated. Moreover, as we have highlighted last year, it is necessary that the Assembly establishes clear mechanisms for monitoring the implementation of the Code of Ethics of the MPs.

Another downside that we have detected of the Assembly's website is that there is still no information published on whistle blower protection which is imperative in order to establish trust between the institution and the citizens, and have them freely report on malpractices they come across.

When it comes to the prevention of conflict of interest, the Assembly has not published on their website an Integrity plan or any other internal anticorruption policy which entails measures for prevention and elimination of various forms of corruptive and unethical behavior within the institution. This year, same like last year the MPs and civil servants who work in the Assembly were part of a series of trainings on the topic of prevention of corruption and conflict of interest.

### 3.2.4. Awareness



*Chart 4. Awareness indicators met by the Assembly of the Republic of North Macedonia through sub-domains*

The awareness of the Assembly is the weakest of all categories mainly due to their lack of strategically assessing the potential impacts of existing and prepared legal acts (regulatory impact assessments – RIA). This repetition from year to year, continues to have an impact on the quality of the parliamentary performance, as it fails to conduct impact assessment and sound planning.

A good practice that the Assembly has established is continuously publishing the questions and answers from Question time.

However, what we could not find is information about any sanctions for ministers and other executive officials for not participating in the hearings.

Although the State Audit Office is accountable to the Assembly exclusively, the Assembly does not review all the audit reports that the State Audit Office prepares.

### 3.2.5. Roadmap on good governance for the Assembly of the Republic of North Macedonia

For the purpose of addressing the abovementioned issues and fulfilling its role in the most transparent and accountable manner, we have prepared a set of recommendations divided in categories that should serve as a roadmap for the Assembly.

#### Transparency

- The Assembly should create and publish a separate policy for ensuring its openness and transparency.
- The Assembly should create and publish a separate parliamentary Communication (PR) strategy.
- The Assembly should create and publish an annual work program, and maintain this practice.
- The Assembly should work on the modernization of its website in order to facilitate the communication channels and encourage citizen participation. Upon the upgrading of the website, attention should be paid to the migration of all the information from the previous website, and uploading the missing documents in an open format for each section respectively.
- The Assembly should publish a list of MPs with their contacts in a structured and open data format.
- The Assembly should publish the MPs' salaries and the funds they have requested for travel expenses.
- To improve the openness of the committees, the Assembly should publish their voting records and videos from the committees' sessions which despite some of them being broadcasted on the Parliamentary TV channel, are not visible on the Assembly's website.
- The Assembly should obtain the practice to regularly publish the documents that come out as a results of all the committee sessions.
- The Assembly should publish expert opinions of the international bodies (European Commission, Venice Commission, TAIEX etc.) together with the draft laws.
- The Assembly should publish the Citizens' Budget on the Parliamentary website, and should obtain the practice of publishing financial reports periodically on the website, as well as the mid-year report on the State budget spending.
- The Assembly should also publish link to the website of the State Commission for Prevention of Corruption, where the asset declarations of MPs are published.
- Regarding transparency in the public procurement process, the Assembly should publish the public procurement calls, decisions, contracts, annexes to contracts and annual reports on public procurements.
- The Law on Public Procurement should oblige the public procurement officials to submit asset cards, and there should be a requirement of beneficial ownership of all bidders to be collected and publicly disclosed.

- The executive should be formally required to engage with the public during the formulation of the budget process.
- All committees should obtain the practice to discuss the State budget proposal.

### Accessibility

- The holders of public information should be legally obliged to reply to the requests in 15 days or less.
- The Assembly should publish visibly on their website a person responsible for access to information of public importance, a list of public information and information for exercising this right, and the information for which free access has already been approved.
- The civil servants should receive capacity building in the field of access to public information and on the concept of open data and instructions for using and publishing open data.
- The committees should request the public opinion more often through also opening public calls for comments and suggestions from the public.
- New or updated educational material should be uploaded on the website of the Assembly, and the Parliamentary library should include online versions of the publications.
- The Assembly should improve its interaction with the citizens by publishing guidelines for raising concerns, complaints and making appeals on their website, and establishing a special channel for e-petition.
- Emphasis should be put on limiting the practice of adoption of laws in shortened procedure to envisaged conditions only.

### Integrity

- The Code of Ethics for MPs should regulate the political activity of the MPs.
- It is also necessary that the Assembly establishes clear mechanisms for monitoring the implementation of the Code of Ethics of the MPs.
- The Assembly should publish information on whistle blower protection on their website.
- The Assembly should adopt and publish an Integrity plan or any other internal anticorruption policy which entails measures for prevention and elimination of various forms of corruptive and unethical behavior within the institution.

### Awareness

- The Assembly should start strategically assessing the potential impacts of existing and prepared legal acts.
- There should be sanctions for ministers and other executive officials for not participating in the hearings.
- The Assembly should review all the audit reports that the State Audit Office prepares.





## 4. OPENNESS OF THE EXECUTIVE INSTITUTIONS IN THE REGION AND IN THE REPUBLIC

### 4.1. Openness of the executive institutions in the region

Issues of openness and transparency are an integral part of public administration reforms, the success of which is conditioned by the process of accession of the region's countries to the EU. Despite the formal fulfillment of tasks, our data shows that in general the public administration continues to achieve modest results in this field. Although we note a higher level of openness of individual executive bodies in the region, stagnation and even setbacks in certain cases dominate over progress. In its reports on the countries of the region, the European Commission often points to the need for improvement of the financial transparency, the right to free access to information and the quality of public consultation. Our research also indicates that such issues remain key critical points of the open work of public administration in the region.

The executive branch in the region meets 44.88% of the openness indicator in average. According to this year's measurement, on average, the most open executive power is in North Macedonia (52.09%), followed by Montenegro (51.67%), Serbia (40.17%) and Bosnia and Herzegovina (35.60%).

As in previous years, the results show that the level of openness decreases as we move towards those authorities that are at a lower hierarchical level in public administration. Governments in the region on average meet 56.59% of the openness criteria, ministries 47.45% and executive agencies / administrative bodies 30.61%. Significant inequalities exist within the groups of institutions themselves, thus there are bodies that serve as an example of an open and transparent action, but there are also those that without any consequences do not respect not only the principles and practices of good governance, but even their legal obligations.

In the previous period, some governments have made an important step forward through the adoption of strategic and other documents that regulate the issue of openness of government bodies, which has already enabled some progress in the short term.

The Council of Ministers of Bosnia and Herzegovina has adopted the Policy of Proactive Transparency in Public Administration in Bosnia and Herzegovina in December 2018. This document sets standards of proactive transparency for all administrative institutions in order to encourage public disclosure of information relevant to the work of institutions and more intensive exchange of information with citizens.

In November 2019, the Transparency Strategy of the Government of the Republic of North Macedonia 2019–2021 was adopted in North Macedonia, making it the first country in the region to make transparency its policy. The development of the Strategy was preceded by the opening of the position of Minister without Portfolio in charge of Communications, Accountability and Transparency and the adoption of the List of Public Information that executive institutions are obliged to publish on their websites, which is a confirmation of the commitment of the Government of North Macedonia for advancing the culture of openness and transparency. In its Report on North Macedonia from March 2020<sup>17</sup>, the European Commission recognized this Strategy as one of the achievements of public administration reform in this country.

The Government of Montenegro has also recognized the importance of strategic planning of the policy of openness and transparency, and in March 2020 it initiated the process of drafting the Openness Strategy of the Government of Montenegro, which is coordinated by the Ministry of Public Administration. It is planned that the Strategy will cover issues related to free access to information, and primarily the proactivity of publishing information, communication between authorities and citizens and the use of modern IT technologies.

With proper implementation of such policies, improving transparency and openness will lead to significant effects on the integrity and accountability of public administration and increase public confidence in their work. Otherwise, the defined measures and activities will be classified as ambitious strategies and projects that have not led to a significant improvement in the work of public administration, which is not a rare scenario of reform outcomes in the countries of the region.

In order to contribute to the implementation of these reforms, we point out below some of the key shortcomings that the countries of the region need to address in order to ensure openness in the work of public administration.

#### 4.1.1. No information on the annual work of institutions

Most executive bodies in the region regularly update the information on their websites, but the functionality of the websites is not satisfactory due to their obsolescence. With the lack of site maps, limited search capabilities and inadequately systematized content, access to the published content is further obstructed. Additionally, the publication of data in an open data format remains unknown to the executive in the region.

Disclosure of information of the key performance of an institution is among the basic standards of proactive transparency. Executive institutions should at least present data and information about their activities to the public through programs, work plans and work reports. However, almost 60% of institutions did not publish any annual program, work plan or work report on their website for any of the previous three years. Also, we still record an inadequate number of institutions that use performance indicators in the development of programs and work plans or work reports, although many countries in the region have implemented such reforms in the field of planning and coordination of public policies. In the absence of such information, but also inadequate mechanisms for planning and reporting on work, citizens are not provided with a clear picture of what institutions plan to do throughout the year and what are the results and effects of their work.

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<sup>17</sup> Retrieved from: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/update-on-the-republic-of-north-macedonia.pdf>.



## 4.1.2 Spending public money is still shrouded in secrecy

The executive is still not proactive in providing financial information. As many as 62% of the executive institutions in the region do not have a single budget and final account from any of the previous three years published on their website. Only two governments in the region published a semi-annual report on State budget execution in the previous year. However, these documents do not present all the necessary information, such as data on the use of funds by spending units. Three governments in the region have released a public debt report. Only 17% of institutions in the region publish semi-annual, quarterly or monthly financial reports.

The process of planning and conducting public procurement is also not transparent enough. Almost a third of the executive institutions do not have the practice of publishing public procurement plans. For the past two years, almost half of the institutions did not publish calls to submit bids in public procurement procedures on their websites, i.e. 41% did not publish decisions on the selection of the most favorable bid. The lowest level of transparency was recorded in terms of contracts concluded in the past two years, which are not available on the websites of 77% of executive institutions in the region. Furthermore, 67% of institutions do not provide public information on public procurement conducted during the year, which should be available in the form of a report.

## 4.1.3. Insufficient transparency of the decision-making process

Governments in the region still do not provide all the necessary information to assess the quality of the planned policies and the realization of the government goals. We note problems with the availability of documents and materials discussed by governments at sessions, minutes of sessions and the transmission of at least part of government sessions. Although governments in the region regularly inform the public about key decisions and conclusions from sessions through press and public announcements, this cannot be considered sufficient to understand and control the policies decided by the government. This practice indicates that governments in the region are still not ready to inform the public in an open and transparent way about what has been discussed and what has been adopted.

## 4.1.4 Contemporary ways of communication are still in its infancy

The establishment of more contemporary information and communication solutions through which it communicates directly with citizens and enables simpler and better quality solutions to their problems is still in its infancy.

All countries in the region have developed an e-government portal as a key link between government and citizens in order to more easily and economically address the demands of citizens, but also as a platform that should further encourage public involvement in policy-making processes. However, in practice, these portals are not sufficiently promoted nor do they currently fulfill their key function of existence.

The executive branch in the region continues to rely on conventional means of communication with the public. There is a big gap in the use of social networks in practice. There are those bodies that try to bring as much information as possible about the activities they carry out to the public through social networks, but there are many more who do not recognize their importance as means and channels of communication. As many as 53% of executive institutions in the region do not have a Facebook account, and 73% do not have a Twitter account.

Executive institutions in the region continue to make insufficient efforts to stimulate citizens and the interested public to participate in public hearings. In this section, we continue to note problems with the publication of complete information that is necessary for the procedure of public hearings, namely – invitations to public hearings, reports from public hearings and RIA reports as supporting materials.

#### 4.1.5. Inadequate cooperation with civil society organizations

Involving civil society organizations in policy-making in the region remains the exception rather than the rule. Our data indicates that the authorities in the region are not open enough to cooperate with the civil sector. Based on publicly available information on the websites of executive institutions, almost three quarters did not work on achieving some kind of cooperation with civil society organizations (e.g. organizing joint meetings, conferences, signing memoranda of cooperation, etc.) in the second half of 2019. In North Macedonia mechanisms for enhancing cooperation with the civil society have been in place since 2007 when the first Strategy for the Cooperation of the Government with the Civil Society was adopted. The government is currently implementing the third strategy of this kind, covering the period between 2018–2020 and in 2016 it also introduced a multi-stakeholder Council for Cooperation with and Support of Civil Society in charge of observing the implementation of the respective strategy. Cooperation with the civil society is improving gradually in North Macedonia, although it is usually selective and not systematized, rather ad hoc for specific processes.

## 4.2. The state of good governance among the executive institutions in North Macedonia

The legislative as well as the policy frameworks that shape the domain of government-citizen interaction and vice-versa really do put the citizen and the communities in a cardinal position – emphasizing the commitment to be accountable to the citizens and engage them in policy making as closely as possible. Hence, most of the recommendations that this policy-paper highlights, indeed, merely ask for an effective implementation of existing policies.

In November 2019, the government adopted the Strategy for the Transparency of the Government of North Macedonia (2019–2021)<sup>18</sup> which seeks to improve access to information – proactively as well as by request— by putting forth measures that support the effective implementation of the Law on Free Access to Information of Public Character<sup>19</sup> and improving the presentation of information and documents on the websites of all ministries and executive agencies of the Government. The Transparency Strategy also seeks to upgrade previously defined policies, as the 21 documents policy which obliges all ministries to publish a set of documents on their websites as a means of being accountable and transparent to the

18 Government of North Macedonia (2019). Strategy for the Transparency of the Government of North Macedonia (2019-2021). November 2019. Retrieved from: <https://bit.ly/39deG8a>

19 Official Gazette of the Republic of North Macedonia. Nr 101. 22 May 2019. Закон за слободен пристап до информации од јавен карактер [Law on Free Access to Information of Public Character]. Retrieved from: <https://bit.ly/2CVH4Qk>

public. However, the implementation of this Strategy is very limited to date. The process was interrupted by the creation of the caretaker government in February prior to the announced elections in April 2020 and then the Covid-19 pandemic crisis, which also cancelled the plans for elections in April 2020. Indeed, the new Law on Free Access to Information of Public Character (FOI Law), which was adopted by the Parliament in May 2019 provides sufficient basis for the advancement of the proactive and reactive transparency on its own.

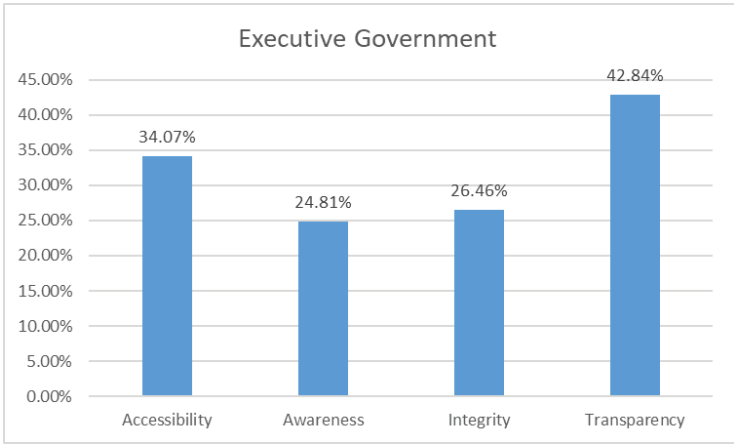
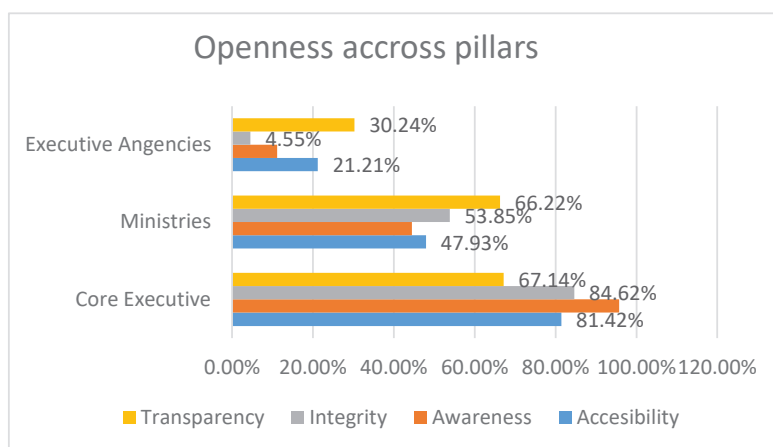


Chart 5. Openness of the executive institutions in North Macedonia

The legal framework for combating corruption and promoting a culture of integrity is also in place, which was enhanced with the recent amendments made to the respective laws, as is explained below. This framework consists of the Law on Prevention of Corruption and Conflict of Interest<sup>20</sup>, the Law on Lobbying<sup>21</sup> and the Law on the Protection of Whistle-blowers.<sup>22</sup>

However, the Openness Index research shows that the overall score of the executive branch of government (including the General Secretariat, ministries and executive agencies) reaches 65.63% with transparency reaching the highest score at 43% and awareness at the lowest with 25%. Indeed, as is observed below, for those institutions that tend to show inclinations toward observing the principles of good governance, there is an overriding tendency to publish the latest updates about the work of the institution and they are less likely to have put in place monitoring and evaluation systems about in-depth analyses and reporting on existing or new policies. Indicators observed under awareness and integrity are among the milestones that require more thorough interventions not merely on paper, rather on practice. Additionally, improving the score on awareness requires an ambitious systematic approach with inter-institutional and cross-sectoral cooperation to generate data about the effect of policies that are assessed positively under transparency – for merely being in place and public.

20 Official Gazette of the Republic of North Macedonia. Nr 19. Закон за спречување на корупција и конфликтот на интереси [Law on Prevention of Corruption and Conflict of Interest]. 19 January 2019. Retrieved from: <https://bit.ly/3jDOxV0>  
 21 Консолидиран текст на Законот за лобирање [Consolidated text of the Law on Lobbying]. Official Gazette nr 106 (2008). Akademika.com.mk. Retrieved from: <https://bit.ly/20PdqiC>  
 22 Консолидиран текст на Законот за заштита на укажувачи [Consolidated text of the Law on the Protection of Whistleblowers]. Official Gazette nr 196 (2015). Akademika.com.mk. Retrieved from: <https://bit.ly/30CBSZG>



*Chart 6: Openness across pillars*

Another general observation is that there is a direct correlation between the declining hierarchy of institutions and the decline of their scores. Executive agencies score the lowest on the Index. To start with, less executive agencies have websites, compared to the ministries, and agencies rely heavily on their respective supervising institution for the visibility of their work. On the other hand, the General Secretariat has the highest overall score. It is important to note that this score is partially due to the fact that the General Secretariat is assessed on the legal framework, as a central unit of coordination and quality control of the government, more frequently than the ministries and the executive agencies.

**30% of the observed executive agencies do not have their own websites or a webpage on the site of their respective authority.**

As has been noted already, the legislative and policy framework for good governance in North Macedonia is a good foundation for the observation of its principles, despite the lagging implementation – and the credit for the quality of these documents goes to the General Secretariat mainly. On the other hand, however, it is also evident that the higher up the hierarchy, the more likely it is that the institutions invest resources on the visibility of their work and on public relations.

The sections below provide a breakdown of the scores of institutions for each pillar as well as for the domains within the pillars, where possible. The results are observed within each level of governance (the General Secretariat, ministries and executive agencies), however, emphasizing the good examples that stand out within their group.

## 4.2.1. Transparency (organizational information, budget and public procurement procedures)

Transparency assesses the availability of information and systems of accountability

Some degree of transparency is a precondition to assessing the level of openness in any institution by allowing researchers to observe the existence, or lack thereof, of various mechanisms and practices of good governance. As the easiest to access tool, websites are legitimately the main source of information on the quality of governance. Therefore, the fact that there are still institutions of the executive government that do not have websites, is a serious weakness that must be emphasized. The recently established Ministry of Political Systems and Inter-Community Relations (April 2019) has no online presence – it does not have a website or social media accounts which disables any proactive information on their work. While the websites of some of the remaining ministries show room for improvement, it is a positive note that they all have active websites which are updated regularly. However, out of the 33 observed executive agencies, 21 have their own websites, two have a dedicated section on the websites of their respective ministries, while as many as ten (30%) do not have their own websites or a webpage on the site of their respective authority. Given that most of the indicators of the Openness Index refer to the websites as a source, this reflects considerably, and rightfully so, on their overall score. This partially explains why the general score of the executive agencies in the government is lower than that of the General Secretariat or the ministries.

### 4.2.1.1. Organizational information

The website of the General Secretariat is regularly updated and provides important information and data about its work, with evident room for improvement, following international best practices. Government sessions are accompanied with previously published agendas and followed by meeting minutes and press releases. To upgrade its score under organizational information the government should consider publishing the documents that are reviewed and discussed during the meetings as well as transcripts of the meetings. On the other hand, audio and/or video transmission of the meeting sessions, that would enable the public to follow the decision-making on policies that affect them directly, would be an additional good practice that needs to be considered.

Additionally, the website of the General Secretariat is evaluated positively for having a central policy on transparency and for publishing the framework of laws and bylaws that define its scope of work. Since October 2017 the transparency policy of the Government of North Macedonia was led by the '21 documents policy'<sup>23</sup> which obliged all institutions of the executive government to publish a set of '21 documents' for their accountability toward the citizens. This policy was expressly enforced in a deadline of 15 days, however, in the long run a failure to update most of these documents was observed across all institutions. The '21 documents policy' was outweighed by the Strategy for Transparency of the Government of North Macedonia adopted in November 2019, which also incorporates and expands the list of 21 documents. The website of the General Secretariat provides contact details about its civil

<sup>23</sup> Манчевски: Листа на документи кои министерствата се задолжени да ги објават на сајт [Manchevski: List of documents that the ministries are obliged to publish on their websites]. 31.10.2017. Retrieved from: <https://vlada.mk/node/13604>

servants and departments as well as CVs and salaries for its public officials. It also publishes annual work plans and annual reports; however, a more frequent periodical reporting (quarterly or semi-annually) is lacking and needs to be introduced.

As for the quality of the websites, of the institutions reporting to the General Secretariat, all ministries are assessed positively for the frequency of updating their websites, while two ministries, the Ministry of Local Self-Government and **the Ministry of Interior Affairs stand out as negative examples for their non-functional search engines.** The number of official websites among the executive agencies with functioning search engines is 13 out of the 21 agencies that actually have a website (from the sample of 33 institutions that were observed). All ministries, as well as the majority of executive agencies, publish the CVs of their directors (17) as well as organizational charts (17), however, significantly fewer institutions publish information about their scope of work (60% of the ministries and 27.3% executive agencies). Information about the salaries of public officials are lacking in six ministries and 31 executive agencies, as are updated contact details of civil servants – eight ministries and 18 executive agencies publish updated contact information of their civil servants and their respective departments. This observation, noting the failure to update regularly the documents published on the websites, serves as evidence that the expressly enforced '21 documents policy' is not maintained and respected effectively.

Some of the documents that institutions are obliged to publish according to the '21 documents policy' are their work programs as well as reports on their implementation. On that note, 66.6% of the ministries and 30% of the executive agencies publish annual work programs while, similarly, 60% of the ministries and 30% of the executive agencies publish annual reports for the implementation of these programs. However, quarterly or semi-annual reports are rarely published: 40% of the ministries and only one executive agency which stands out as a good example – the Customs Administration.

#### 4.2.1.2. Budget

The disclosure of relevant fiscal information in a timely and organized manner is a significant part of the public accountability of an institution and it certainly contributes to reducing corruption as well as ensuring effective participation of citizens in budgeting processes. The General Secretariat has introduced an Accountability Tool for the Expenditures of Officials to allow public scrutiny on the spending of public officials and reduce the abuse of state funds and corruption, which is planned to be additionally updated with the Strategy for Transparency.<sup>24</sup> The State budget is available in an open format and a citizen budget which breaks down and presents the State budget and the composition of public debt, among other things, in an understandable manner is also published on the website of the Ministry of Finance. Semi-annual reports and final accounts are regularly published as well. The General Secretariat, although not obliged by the Law on Budget and Fiscal Responsibility, should consider engaging and consulting the public during the preparation of the State budget as well as publish on its website information on the spending of the budget reserves. Another practice that needs to improve is the timely (at least three months prior to the beginning of the fiscal year) submitting of the budget to the Parliament to allow for proper revision and scrutiny.

<sup>24</sup> Accountability Tool for the Expenditures of Officials. Retrieved from: <https://vlada.mk/node/18865?ln=en-gb>

As for the ministries, **the Ministry of Culture is the only one that does not publish a financial plan** and all of the remaining ministries publish it in an understandable manner. In terms of reporting, 20% of the ministries publish periodical reports as well as final accounts of their spending. The executive agencies score lower in this subdomain as 48.5% of them publish annual financial plans and only 24.2% of them are presented in an understandable manner. As for reporting, 9% publish on their websites periodical financial reports and 36.4% publish their final accounts.

### 4.2.1.3. Public procurement

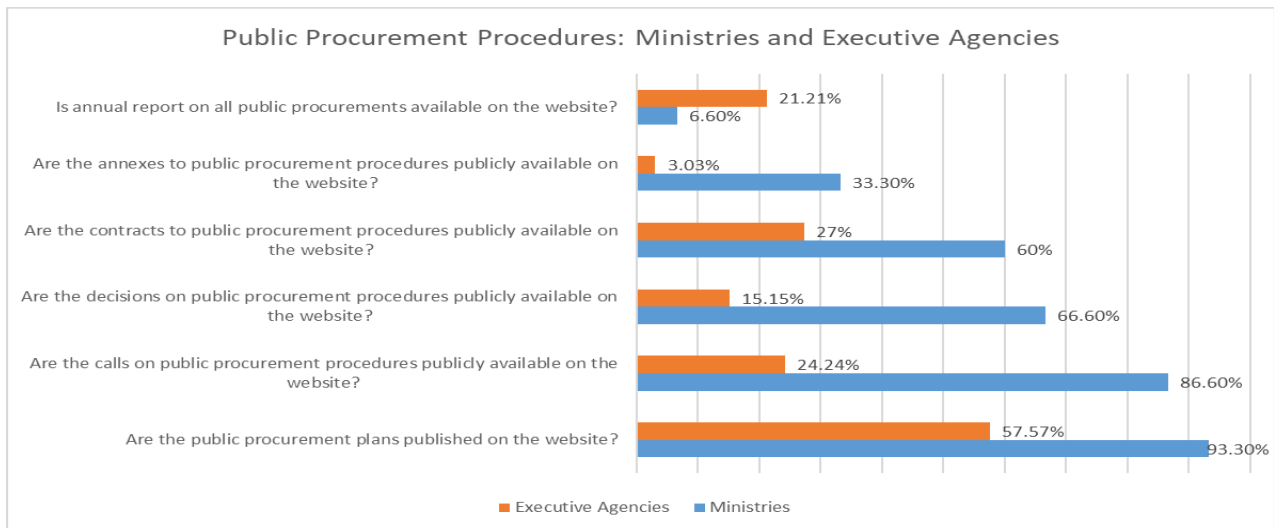
The General Secretariat meets five out of seven of the indicators under this subdomain, with the weaknesses mainly found in the assessment of the legal provisions against best international practices. The General Secretariat is evaluated positively for publishing plans, calls, decisions and contracts of public procurement on its website, however the failure to publish the annexes to these contracts is assessed negatively since it is often seen as a gap that leaves room for the manipulation of procedures. The availability of the major bids and contracting for public scrutiny and the existence of a special portal for public procurement is a positive development within the subdomain of public procurement. To improve the public procurement procedure and reduce the possibility of abuse of funds, public procurement officials need to be obliged to submit asset declarations and bidders must be obliged to disclose beneficial ownership in public procurement procedures. The need to develop an 'open, public register of ultimate beneficial owners' is also a highlighted recommendation in the report of the International Reporting Mechanism (IRM) of the Open Government Partnership (OGP), which would significantly reduce the abuse of public procurement bids and ensure fair competition between bidders.<sup>25</sup>

On the other hand, the Law on Public Procurement is assessed positively for limiting sole sourcing, protecting the right of the unsuccessful bidders to instigate official review of procurement decisions and for prohibiting companies convicted of bribery from participating in future procurement bids.

The Bureau of Public Procurement is the only institution obliged to publish the documents related to public procurement procedures through the Electronic Public Procurement System, although as a good practice, institutions are expected to provide access to them as well. The Transparency Strategy dedicates a special strategic commitment to connecting data on the websites of ministries and other bodies to those hosted in the Electronic Public Procurement System under its Active Transparency chapter.<sup>26</sup> The chart below provides an illustration of the degree to which ministries and executive agencies meet the indicators that assess their implementation of public procurement procedures. Ministries perform better than executive agencies, however, very few of them publish annexes to contracts or annual reports of public procurement procedures, although more than half of them publish public procurement plans on their websites. Annexes to public procurement contracts were observed on the websites of five ministries and among the executive agencies, only on the website of the Bureau of Public Procurement. In this subdomain, **it is noteworthy to point out the Ministry of Environment and Physical Planning as an institution that had published annual reports for its public procurements processes.**

25 Independent Reporting Mechanism (IRM): Republic of North Macedonia Design Report 2018-2020. Open Government Partnership. Retrieved from: <https://bit.ly/30yquOn>

26 Government of North Macedonia (2019). Strategy for the Transparency of the Government of North Macedonia (2019-2021). November 2019. Retrieved from: <https://bit.ly/39deG8a>



*Chart 7. Public procurement procedures: ministries and executive agencies*

## 4.2.2. Accessibility (access to information, citizen interaction and public consultations)

Accessibility assesses the degree at which the right to information is guaranteed by law and by practice, as well as the quality of the mechanisms for engagement and consultation in policy-making processes.

### 4.2.2.1. Access to information

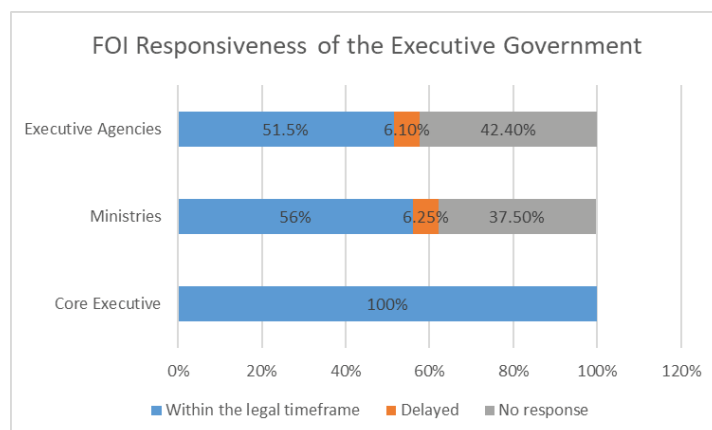
Access to information is the second strongest pillar according to the overall scores of the institutions of the executive government with 34.07% percentage of fulfilment. While the General Secretariat is mainly assessed for the quality of the legal framework guaranteeing the right to information (not overlooking the practices by this unit either), the scores of the ministries and the executive agencies rely completely on the degree to which they practice the legal provisions and international standards observed by the Openness Index.

The Macedonian Law on Free Access to Information of Public Character is ranked 22<sup>nd</sup> out of 128 counties observed by the Global Right to Information Rating<sup>27</sup>. As such, it provides for a solid ground to guarantee and protect the right to information, both proactively and reactively, which is also assessed positively by the Openness Index. The only indicators assessing the legislative framework, according to which the Macedonian FOI Law lags behind, is the 20 days waiting time for responses from the holders of public information. This is considered a long period given that institutions usually respond on the day of the deadline or after it, which often impacts the relevance of time-sensitive information and data. The international and regional best practices suggest a waiting time ranging between 7 and 15 days, hence, the respective Law should be amended to reduce the waiting time to 15 days at most. In terms of practice, an overarching weakness that is observed across all types of institutions in the executive government is the failure to publish on the

<sup>27</sup> Global Right to Information Rating. Retrieved from: <https://bit.ly/39dSaw3>



website the information for which access has been granted via FOI. **Good examples that stand out in this practice are the Ministry of Interior<sup>28</sup> and the State Statistical Office<sup>29</sup> which publish their responses to requests for access to information.**



*Chart 8. FOI responsiveness of the executive government*

To assess the responsiveness of the targeted institutions, Metamorphosis sent out requests for access to information to all 50 of them and 54% responded on time, 6% responded after the timeframe of 20 days defined by law and 40% were irresponsible. Although the overall rating of the executive agencies in the Openness Index is lower than that of the ministries, there were no significant differences in the response rate between both levels of institutions.

Most of the ministries (93%) have a dedicated space on their websites regarding requests to access information and the same ministries publish an updated list of information of public character that they own. **The Ministry of Culture is the only ministry with a zero score in these two indicators.** However, the majority of ministries report to have not had their staff trained for FOI during 2019 (66.6%). This is noted as a weakness especially given the general observation that there is very frequent turnover of the staff responsible for mediation with information of public character.

As for the executive agencies, 39% of them have a separate section on their website for FOI and 45% of them have an updated list of information of public character on their website. A low number of trained staff for FOI is also evident among the executive agencies (6%).

#### 4.2.2.2 Citizen interaction

Another dimension of accessibility observed by the Openness Index under the pillar of accessibility is the degree to which the institutions facilitate interaction and delivery of services to the citizens. The nature of the dimension puts the websites and other online tools at a central position and it is not among their strongest qualities.

<sup>28</sup> Одговори на барања – Информации од јавен карактер [Responses to requests – Information of public character]. Ministry of Internal Affairs. Retrieved from: <https://bit.ly/2WFEeWD>

<sup>29</sup> Одговорени барања за слободен пристап од информации од јавен карактер [Responded requests for free access to information of public character]. State Statistical Office. Retrieved from: <https://bit.ly/3hn8ayB>

In 2019 the Government of North Macedonia adopted a Communication Strategy which among other elements, defines a Code of Ethics for public relations (PR) staff and standardizes the way messages are communicated. The Strategy, among other provisions, also guides the PR staff on not abusing the official social media profiles of the institution for party promotion, by using offensive and hate speech. Social media contribute to facilitating communication and interaction with the public, however, in no way do they make up for the absence of websites. 27 of the monitored institutions have official Facebook accounts (81% of the ministries and 42% of the executive agencies) and 9 of them have Twitter profiles (25% of the ministries and 15% of the executive agencies). Although the practice of the use of personal profiles as official ones in social media is slowly declining in the country, it is still widely present. The main problem with these profiles is that they cease to serve as sources of information and interaction with the respective institutions as soon as the terms of service of these officials ends and, as such, they do not contain a long memory of the developments in the institutions.

Direct channels of communications on the websites that allow citizens to raise concerns and complaints are simpler and easier-to-use tools that may, therefore, encourage more frequent interaction with the citizens. However, the website of the General Secretariat does not provide this service and neither do the majority of ministries and executive agencies. Indeed, only 31% of the ministries and 12% of the executive agencies provide a direct channel for communication on their websites.

In terms of facilitating public services, the government has recently promoted an online portal for e-services called [www.uslugi.gov.mk](http://www.uslugi.gov.mk) which serves as a register of, currently, 762 public services provided by 1288 institutions with clear instructions on how to access them or a direct possibility of accessing them online. This important tool plays a crucial role toward facilitating interaction with institutions and making them service-oriented and easily accessible – all of them characteristics of good governance. As for the remaining institutions, 56% of the ministries and 18% of the executive bodies provide lists of public e-services that they provide.

#### 4.2.2.3. Public consultation

There is a wide array of policies in place that regulate and guide central level institutions on how to engage the public in decision-making processes, yet their implementation is not consistent. The main tool for electronic public consultation used by the executive government of North Macedonia is the Electronic National Register of Regulations (ENRR). All government institutions are obliged to publish bills on ENRR and their official websites for public consultation for a duration of at least 20 days before it can proceed to government procedure. The feedback collected through the consultation period is also summarized in the Regulatory Impact Assessment (RIA) reports of the proposing ministries with explanation for why the received recommendations are or are not accepted. Indeed, public consultations and RIA are complementing processes and both aim toward the creation of evidence-based and responsive policies. The obligation and guidance on how to implement both processes derives primarily from the Rules of Procedure of the Government of the Republic of North Macedonia (Article 71)<sup>30</sup> and a number of other bylaws, as are the Regulatory Impact Assessment Methodology (2013)<sup>31</sup>, the Codex of Good Practices for the Participation of Civil Society in

30 Official Gazette of the Republic of North Macedonia. Nr. 36. 17 March 2008. pg15. Деловник за работа на Владата на Република Македонија [Rules of Procedure of the Republic of Macedonia]. Government of the Republic of North Macedonia. <https://bit.ly/30ChGqG>

31 Regulatory Impact Assessment Methodology. Ministry of Information Society and Administration. 30 July 2013. <https://bit.ly/30Ci6gK>

the Policy Making Processes<sup>1</sup> and the Rulebook for the Organization of Public Consultations Upon Initiation of Legislation Process<sup>33</sup>.

According to the annual report for the implementation of the RIA, out of the 279 bills proposed by the government which are subject to RIA (not counting the draft-laws that were adopted with shortened or urgent procedures which are not obliged to undergo RIA), 242 or 86.7% have been processed with the procedure. However, the misuse of the classification of regulations under shortened or urgent procedure, is still evident. In December 2019, in one month alone, 97 bills proposed by the Government were processed under urgent procedure and were not put forth for public consultation despite covering aspects that affect the public directly on a daily basis.<sup>34</sup>

Due to the existence of a central platform as ENRR, all ministries are assessed positively for providing the option of conducting consultations online. Our research found that among the ministries, **the Ministry of Information Society is the only one that provides a separate section on its website with the necessary information about public debates by providing a direct link to ENRR.** Ministries usually publish calls for public debates on their websites (53%) as well as most or all of the RIA reports (80%), however, annual plans for public debates are absent. According to the instructions on the development of strategic plans, institutions are expected to also list the laws that will need to be amended or new laws that will need to be adopted to support the strategic plans<sup>35</sup>. However, the failure to plan the consultations for the upcoming policy changes also indicates the lack of efficacy in long-term planning of policy making processes. Reports on the conducted consultations are not published on the websites of the ministries, however, they are integrated in the RIA reports. The EU Country Progress Report notes the slight improvement of the quality of RIA reports, however, emphasizes that there is a major lag with the budgetary impact assessments which are either missing or are not comprehensive.<sup>36</sup>

To emphasize the importance of public consultations, it is vital to note that 86% of the population believe that it is important or somewhat important that all different communities and age groups in the country are engaged in political decision making, however, only 33% of them believe that it is very likely or somewhat likely that people influence decisions in the country.<sup>37</sup> The citizens lack feedback on how their participation in policy-making and consultation processes has affected the actual policies, as well as lack timely and effectively communicated information about opportunities to engage in such processes. On the other hand, civil society organizations in North Macedonia play a significant role toward stimulating and directly supporting the democratic growth of institutions. Besides their committed participation in these processes, CSOs often provide support for institutions with the organization of the public consultation events to contribute to more responsive policies. One highly participative policy-making process that North Macedonia is engaged in and is continuously improving its processes and outputs is the Open Government Partnership (OGP) initiative.

32 Кодекс на добри практики за учество на граѓанскиот сектор во процесот на креирање политики.[Codex of Good Practices for the Participation of Civil Society in the Policy Making Processes]. Department for the Cooperation of the Government and Civil Society Organizations. 22 July 2011. Retrieved on: <https://bit.ly/30t6Pzo>

33 Правилник за организација на јавна консултација при започнување на легислативен процес.[Rulebook for the organization of public consultations when starting a legislative process.] Cabinet of the Minister Without Portfolio in Charge of Transparency, Accountability and Communications. 19 February 2019. Retrieved from: <https://bit.ly/39eFO6S>

34 Реакција: 94 закони предложени во декември 2019 не се објавени на ЕНЕР. [Reaction: 94 bills proposed in December 2019 were not published on ENRR]. Institute for Democracy Societas Civilis Skopje. Retrieved from <https://bit.ly/3eQD3cS>

35 Упатство за начинот, содржината и формата на подготвување на стратешките планови на министерствата и другите органи на државната управа. [], Instructions on the Means, Content and Structure of Preparing Strategic Plans of the Ministries and Other Bodies of the State Government]. Government of the Republic of North Macedonia. 19 May 2005. Retrieved from <https://bit.ly/39gJQvr>

36 North Macedonia 2019 Report. European Commission. 29 May 2019. Retrieved from: <https://bit.ly/3hrJxkr>

37 International Republican Institute (2020). Wester Balkans Regional Poll February 2 – March 6, 2020. June, 2020. Retrieved from: <https://bit.ly/2WAD26l>

The public consultations, i.e. the co-creation process of the OGP Action Plans continuously improve as do the commitments that result from it. In 2019, the Council for the Coordination and Monitoring of Open Government Partnership was established to introduce a more structural approach to the OGP processes by maximizing participation and engagement as well as monitor and guide the implementation of the action plans.

### 4.2.3 Awareness (reporting, monitoring and evaluation, and strategic planning)

Awareness assesses institutions' commitment to plan and learn from ongoing processes and improve them through established monitoring, evaluation and learning systems – by using milestones/ indicators during strategic planning and reporting

The principles of good governance observed under 'accessibility'— as the availability of tools to interact with the public and engage them in policy-making processes, as well as the assessment of the impact of policies (RIA) – significantly affect institutions' performance under 'awareness'. These tools feed the authorities with feedback on what the expectations and the potential impact of decisions and actions made at the top are. Monitoring of the implementation of policies as well as proactive public consultations are links to the same chain of developing evidence-based and responsive policies.

Under this pillar special attention is given to the availability of systematic mechanisms that regularly evaluate the impact, costs and effects of policies and as such serve to develop strategic plans for the future by relying on data as evidence. Indeed, this is identified as one of the challenges that the Public Administration Reform Strategy (2018–2020) aims to address, which emphasizes the lack of data on the successes and challenges in the implementation of policies<sup>38</sup>. Hence, it is challenging to sustain the results of successful policies or to avoid the unnecessary amendment of laws, which often causes legal insecurity as it becomes hard to follow the frequent changes. The need for 'administrative and consistent use of data' as well as the need to improve evidence-based policy planning is also noted by the EU Country Progress Report.<sup>39</sup>

The Rules of Procedure gives broad guidelines as to what the ministries report to the government, however, there is no detailed description of their structure and content. The General Secretariat follows a monitoring and evaluation framework according to which they plan and report their work annually. As for the rest of the institutions, 37.5% of the ministries and **6% of the executive agencies (State Transport Inspectorate and State Inspectorate for Environment) report to use indicators of success in planning and reporting on their work.**

Significant efforts are invested in improving the process of strategic planning and systematic monitoring and evaluation through the establishment of a policy framework that guides the process. Some of these policies include the Public Administration Reform (2018-

38 North Macedonia 2019 Report. European Commission. 29 May 2019. Retrieved from: <https://bit.ly/3hrJxkr>

39 Ibid.

40 Public Administration Reform Strategy 2018-2022. Ministry of Information Society and Administration. February 2018. Retrieved from: <https://bit.ly/2OMuu8o>

2020)<sup>40</sup>, Instructions on the Means, Content and Structure of Preparing Strategic Plans of the Ministries and Other Bodies of the State Government<sup>41</sup>, the Rulebook on the Role of the General Secretariat in the Policy Making and Monitoring Process<sup>42</sup>. However, the failure of institutions to report consistently on their implementation is indicative that the government has not yet managed to overcome the challenge. It is imperative that the role of the General Secretariat as a central coordination and quality control body is enhanced to follow up on the implementation of these guidelines.<sup>43</sup>

#### 4.2.4 Integrity (Code of Ethics, conflict of interest prevention and lobbying rules)

Integrity assesses mechanisms for the prevention of conflict of interest, the regulation of lobbying, as well as the availability of a Code of Ethics to guide and sanction the behavior of the civil servants and public administration

Integrity is an intersection of values of the individual and the institution and as such it is difficult to define and control. However, the existence of instruments to guide and enforce compliance and sanctions are of utmost importance to be able to regulate it as much as possible. It is instruments as integrity policies, Code of Ethics and the protection of whistleblowers that are observed under this pillar as means through which the occurrence of abuse of power can be prevented and controlled.

Corruption is perceived as a serious problem in the Macedonian society; indeed, it is ranked as the third most important problem in the country after socio-economic problems as unemployment and high-cost of living. As such, the recognition of corruption as a serious problem for the society also impacts the negative perception for the future that awaits the country.<sup>44</sup> The legal framework for preventing and combatting corruption consists of the Law on Prevention of Corruption and Conflict of Interest<sup>45</sup>, the Law on Lobbying<sup>46</sup> and the Law on the Protection of Whistle-blowers<sup>47</sup>. It is generally assessed as a sound legal framework

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- 41 Упатство за начинот, содржината и формата на подготвување на стратешките планови на министерствата и другите органи на државната управа. [Instructions on the Means, Content and Structure of Preparing Strategic Plans of the Ministries and Other Bodies of the State Government]. Government of the Republic of North Macedonia. 19 May 2005. Retrieved from <https://bit.ly/39gJQvr>
  - 42 Прирачник за улогата на Генералниот Секретаријат во процесот на креирање и следење на политики. [Rulebook on the Role of the General Secretariat in the Policy Making and Monitoring Process]. Ministry of Information Society and Administration. June 2019. Retrieved from: <https://bit.ly/3fRDVzn>
  - 43 Government at a Glance. Organization for Economic Development and Cooperation. 7 July 2020. Retrieved from: <https://bit.ly/2Z-MOAYh>
  - 44 International Republican Institute (2020). Wester Balkans Regional Poll February 2 – March 6, 2020. June, 2020. Retrieved from: <https://bit.ly/2WAD26l>
  - 45 Official Gazette of the Republic of North Macedonia. Nr 19. Закон за спречување на корупција и конфликтот на интереси [Law on Prevention of Corruption and Conflict of Interest]. 19 January 2019. Retrieved from: <https://bit.ly/3jDOxV0>
  - 46 Консолидиран текст на Законот за лобирање [Consolidated text of the Law on Lobbying]. Official Gazette nr 106 (2008). Akademika.com.mk. Retrieved from: <https://bit.ly/2OPdqjc>
  - 47 Консолидиран текст на Законот за заштита на укажувачи [Consolidated text of the Law on the Protection of Whistleblowers]. Official Gazette nr 196 (2015). Akademika.com.mk. Retrieved from: <https://bit.ly/30CBSZG>
  - 48 GRECO 2019. North Macedonia: Fifth Evaluation Round – Preventing corruption and promoting integrity in central government (top executive functions and law enforcement). 22 March 2019. Retrieved from: <https://bit.ly/3ePG25D>
  - 49 Code of Ethical Behavior for the Members of the Government and Public Officials. Republic of North Macedonia. Retrieved from: <https://vlada.mk/kodeks>

on paper with questionable implementation, given its selective application and the frequent changes that it has undergone.<sup>49</sup> The General Secretariat reports to have held trainings for its staff on the protection of whistleblowers during 2019, however, on the other hand, there are yet no data or reports on the actual implementation of these laws that could ensure their effectiveness.

As part of the legal and policy framework for the prevention and reduction of corruption there is a Code of Ethics for members of the government and officials appointed by the government as well as a separate one for administrative servants.<sup>50</sup> The former was subject to amendments in 2019 and extended to cover relations with lobbying and provide for training for all relevant stakeholders, in accordance to the fifth round of recommendations by Group of States Against Corruption (GRECO).<sup>51</sup> The Code of Ethics is published on the website of the government and it regulates issues of conflict of interests, use of state property, gifts and favors. It has clear mechanisms about how to implement it as well as clear definition of procedures about how to deal with violation of the code. No reports or data have been published to date about their enforcement, hence their value to preventing or reducing corruption has not yet been documented.

It is a good practice that asset declarations of members of the government are also available on the website of the government, although the legal obligation prescribes only their publication on the website of the State Commission for the Prevention of Corruption. However, the way asset declarations are registered for the time-being do not allow for long-term view on how asset ownership and interests change throughout their public service or after its termination. Data are removed from the website when public officials' services come to an end. Besides storing these data and the eventual changes in their status, it is of utmost importance that they are published in open format to allow for direct public oversight. Additionally, the need to strengthen the oversight over assets and interests of public officials is also a recommendation of the fifth round of evaluation by GRECO.<sup>52</sup>

At the level of ministries, all have information about protection of whistleblowers and prevention of conflict of interests on their websites, however only 6 report to have held training on the same topic during 2019 and only four of them (**Ministry of Internal Affairs, Ministry of Information Society and Administration, Ministry of Environment and Physical Planning, Ministry of Local Self-Governance**) have institutional integrity/anti-corruption policies. At the level of executive agencies, the situation is even more worrisome. **Only the Public Procurement Bureau has information on its website about whistleblower protection** and four institutions (12%) report to have held trainings on whistleblowing or conflict of interest for their staff in 2019. Also, only one executive agency, **the Customs Administration has an internal integrity/anticorruption policy.**

These data show that besides having an enabling legal framework in place, much work needs to be done to enforce them. Developing a merit-based and professional public service would enhance accountability and prevent politicization, and consequently significantly reduce the risk of conflict of interest and corruption.

50 GRECO 2019. North Macedonia: Fifth Evaluation Round – Preventing corruption and promoting integrity in central government (top executive functions and law enforcement). 22 March 2019. Retrieved from: <https://bit.ly/3ePG25D>

51 Ibid.

52 Government at a Glance. Organization for Economic Development and Cooperation. 7 July 2020. Retrieved from: <https://bit.ly/2Z-MOAYh>

## 4.2.5 Open Data

Open data is observed in this research as a cross-cutting pillar of good governance by assessing the degree of openness of all the documents and data that are reviewed by the Openness Index. An underlying conclusion from this research, in line with the Governance at a Glance analysis of the Organizations for Economic Cooperation and Development's (OECD) – is that public sector data are addressed only as part of open government policies and not in a comprehensive policy on public sector data. The open by default principle is neglected as is the need to always prepare, publish and share documents in open format. At a policy level, there is a Law on the Use of Public Sector Data<sup>53</sup> as well as a Rulebook for Open Data and a newly updated Portal of Open Data<sup>54</sup>, accompanied with other guidelines and methodologies to support the process. Few institutions report to have had their staff trained for the use and publication of open data, and it is evident that CSOs play a crucial role in developing public sector capacities in this area. To date, the Open Data Portal contains 236 datasets published by 51 entities, most of them by executive level institutions or agencies.

This research observes the format in which the General Secretariat publishes 43 documents. 31 of these documents are available on its websites, of which none are in a machine readable format. However, 28 of them are electronically searchable and three are published as pictures or scanned documents and, therefore, unsearchable. At the level of ministries, about 38% of the observed documents are not published, while the majority of the documents that are published are in formats that allow electronic searching and only around 13% of these documents are published in electronically unsearchable versions. **The good examples that stand out in this section are the Ministry of Environment and Physical Planning (three documents), the Ministry of Finance (two documents) and the Ministry of Transport (two documents) for publishing the observed documents in machine readable format.** The open format documents on the websites of the documents make up less than two percent of what they have published, which is evidently a very low score and emphasizes the urgent need for the institutions to observe the numerous policies in place to support the publication of open government data.

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53 Official Gazette of the Republic of North Macedonia Nr 27. 5 February 2014. Закон за користење на податоците од јавниот сектор. [Law on the Use of Public Sector Data]. Pg 59. Retrieved from: <https://bit.ly/2Br56SG>

54 Open Data Portal. Government of the Republic of North Macedonia. Retrieved from: <http://www.otvorenipodatoci.gov.mk/>

## 4.2.6 Conclusion

There are major differences in the overall scores of ministries and executive agencies that suggests a weak vertical enforcement of the good governance policies. In other words, the decision to make most information and processes open is entirely up to each institution separately, rather than a policy prescribed from above. This was confirmed additionally by a comparison of the share of the State budget that each ministry and executive agency receives, which showed that it is not necessarily the case that institutions with most resources have more transparent websites. The research also looked for a direct correlation between the scores of the ministries and the scores of the agencies they oversee, but it was not evident. Therefore, central policies as the Strategy for Transparency and the Communications Strategy of the government can guide all institutions under its authority to adopt the same minimal standards of public transparency and accountability, if implemented effectively.

However, as is the dominant conclusion derived from this paper, it is of utmost importance to differentiate between the quality of the policy framework in a country and the implementation on the ground. Mechanisms of enforcement, monitoring and reporting are as important to ensuring the effectuation of these policies and in sustaining their positive results as are the texts themselves. Therefore, it is of utmost importance that reform processes are planned thoroughly and systematically, addressing the various variables that contribute to the problem, rather than scratching the surface with superficial interventions. The Openness Index is an adequate tool to guide the government in general and each institution separately to advance its good governance and legitimacy.

Websites are legitimately the most scrutinized tool for interaction and accountability toward the public and must be used effectively to communicate all the aspects of the competencies of the respective institutions. The focus of institutions must be toward proactive publication in the most open format available. In this regard, one of the main weaknesses of the government for this measurement in the absence of a website for the newly established Ministry of Political Systems and Inter-Community Relations. In addition, information about the work of this ministry cannot be found in almost any other website of the government. It is not presented on the Citizen budget<sup>55</sup>, as a user of the State budget; nor does it appear in the breakdown list of government bodies supervised by each ministry<sup>56</sup>. It is unacceptable that this ministry is not accountable to the public even after one year since its establishment. Similarly, there are numerous executive agencies still lacking websites or any online space where they exchange information, updates and interact with citizens.

To conclude, besides the evident differences in defining the concept of good governance, there is an overall consensus between theoreticians as well as practitioners that good governance, defined as a responsive system that serves the needs of the people, is positively correlated with the public trust in institutions, that also translates into government legitimacy. Public trust in institutions is a result of the enforcement of good governance policies, but also a precondition for governments to be able to undertake structural and thorough reforms, as are needed in the country. Therefore, the primary drive for the observation of good governance principles for each government and its units is often focused on ensuring the legitimacy and the trust of the public they serve and represent. Increasing public trust in the integrity, impartiality as well as the competencies of institutions and their public servants will lead the government to the goal of ensuring and sustaining its legitimacy.

55 Citizen Budget 2020. Presentation of the State Budget Users. Retrieved from: <https://bit.ly/30JrLCd>

56 Government of the Republic of North Macedonia (2020). Bodies of the Government of the Republic of North Macedonia. Retrieved from: <https://vlada.mk/node/71?ln=mk>



## 4.2.7. Roadmap on good governance for the executive government in the Republic of North Macedonia

### Transparency

- The Ministry of Political Systems and Inter-Community Relations must launch its website as soon as possible to communicate to the public all the important aspects of its work that fall under its competencies, and in this way allow for direct accountability.
- All executive agencies must have their own websites or a dedicated page on the website of the authority they report to, to allow for direct interaction with and accountability to the public.
- Institutions must have a defined system and schedule of updating all information and data on their websites.
- Institutions must publish more frequently and regularly plans and reports about their work.
- Institutions must publish their own budget plans and reports at an annual as well as semi-annual level regularly.
- The government should publish the documents that are reviewed and discussed during its meetings as well as transcripts of the meetings. On the other hand, audio and/or video transmission of the meeting sessions, that would give the public direct access to following the decision-making on policies that affect them directly, would be an additional good practice that needs to be considered.
- The General Secretariat should conduct public consultation for the drafting of the State budget and should publish information on its website about the spending of the budget reserves.
- The Government must submit the budget proposal for review to the Parliament at least three months prior to the end of the fiscal year to allow for sufficient time to review it effectively.
- Public procurement officials need to be obliged to submit asset declarations.
- Bidders on public procurement calls must be obliged to disclose beneficial ownership. For the same purpose a register of ultimate beneficial owners must be created.
- Each institution should provide all related documents to public procurement processes on their websites either directly or with a link to the Public Procurement Bureau.

## Accessibility

- Institutions should publish all information that have been requested via FOI on the website to reduce repetitive requests on the same data.
- Institutions must proactively publish the set of documents and data defined in Article 10 of the Law on FOI.<sup>57</sup>
- The Law on FOI should be amended to reduce the timeframe/deadline for responses to requests for FOI to 15 days as is the trend in the region and a reasonable waiting period by international standards.
- The staff needs to be trained frequently on mediating with requests for access to information and each institution must ensure an increase in the response rate and the quality of responses for requests to FOI.
- Institutions should introduce direct communication channels on their websites to enable easier interaction with the public.
- Hand in hand with the communication channels, websites need to provide clear guidelines and to promote the available mechanisms for raising complaints.
- Institutions must improve their presence in social media with regular information relevant to the public as well as use them to raise awareness about rights, processes and mechanisms that are not as well-known among the general public.
- To improve their effectiveness and interaction with the public, websites need to provide information on the services institutions offer, either directly on the website or with a link to the [www.uslugi.gov.mk](http://www.uslugi.gov.mk) portal in a visible section.
- RIA must be applied on all bills and the quality of the RIA reports needs to improve. In addition, institutions must improve the frequency as well as the quality of the budgetary impact assessments.
- Policy making processes need to be planned well in advance and annual plans for public debates need to be published on the websites. Additionally, these plans need to be disseminated and promoted widely so that citizens can anticipate, plan and prepare for upcoming policy making processes. Timely and effective communication with the public on public consultation processes is of utmost importance to receiving valuable input from the stakeholders.
- To ensure trust in the consultation process and encourage participation institutions need to provide feedback on the proposals they share – whether they are accepted or not, and if so why.
- Institutions need to maximize the multi-stakeholder OGP network to come up with joint commitments to improve good governance in the country.

<sup>57</sup> Official Gazette of the Republic of North Macedonia. Nr 101. 22 May 2019. Закон за слободен пристап до информации од јавен карактер [Law on Free Access to Information of Public Character]. Retrieved from: <https://bit.ly/2CVH4Qk>

## Awareness

- The government must insist on reducing the number of bills proposed under shortened or urgent procedure so as to not compromise their quality and/or responsiveness.
- The government must avoid frequent amendment of legal and policy frameworks without evidence that the applied changes will provide significant improvement.
- All institutions need to improve the consistent use of data for administrative purposes and base their planning and reporting on them.
- The role of the General Secretariat on quality control and monitoring the implementation of existing policies must be enforced.

## Integrity

- The oversight of the assets and interest of public officials must be enhanced for the existing legal and policy framework to enjoy public trust.
- Asset declarations need to be published in open formats and the State Commission for Prevention of Corruption needs to ensure the availability asset declarations on its website after the termination of the public service as well as register how they change while the public service is ongoing.
- Strengthening of the monitoring and reporting instruments regarding the legal and policy framework in this area is needed in order to generate data about its implementation and increase trust in the system.
- Ending of political appointment of civil service positions and introducing a merit-based and competitive recruitment process is more than necessary.

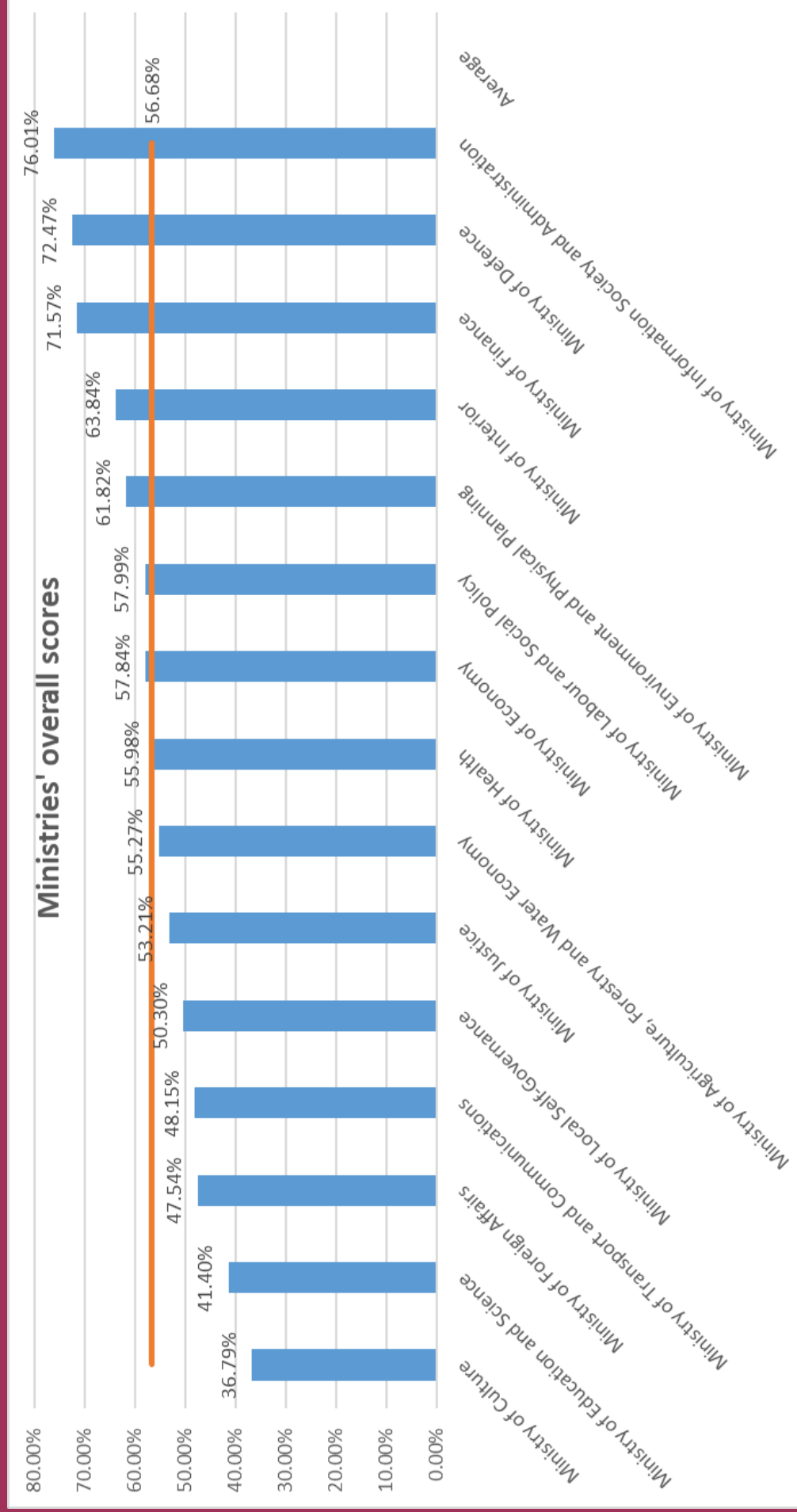


## 5. BIBLIOGRAPHY OF PREVIOUS POLICY PAPERS ON THE OPENNESS OF THE EXECUTIVE INSTITUTIONS AND PARLIAMENTS IN NORTH MACEDONIA AND THE WESTERN BALKAN REGION

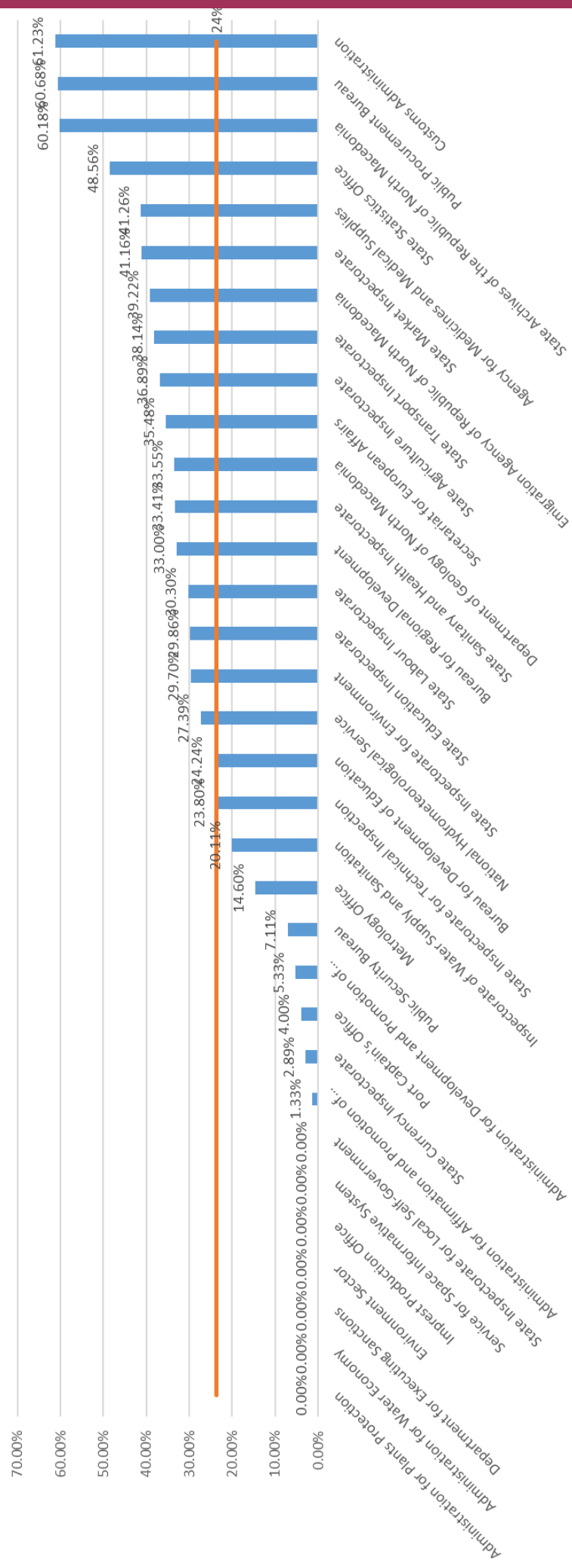
In continuation, for a better comparison, one may find the titles and links to previous policy papers and roadmaps on good governance for state institutions in the Republic of North Macedonia and the region, created through the Openness Index research.

- Parliament openness in the region and Macedonia, April 2017: <https://cutt.ly/Yi8ydiL>
- Proposals for the improvement of a current state – Openness of institutions of executive power in the region and Macedonia, March, 2017: <https://cutt.ly/3dJuntl>
- Roadmap on good governance for state institutions in the Republic of Macedonia – On the basis of the Regional Index of Openness of state institutions (Based on the measuring for 2016), July, 2017: <https://cutt.ly/Gi8tDNe>
- Proposals for the improvement of a current state – Parliament openness in the region and Macedonia, July, 2018: <https://cutt.ly/Mi8e3TK>
- Proposals for the improvement of a current state – Openness of institutions of executive power in the region and Macedonia, July, 2018: <https://cutt.ly/cdJulXm>
- Roadmap on good governance for state institutions in the Republic of Macedonia – On the basis of the Regional Index of Openness of state institutions (Based on the measuring for 2017), July, 2018: <https://cutt.ly/di8r3wR>
- Proposals for the improvement of the current state – Openness of the parliaments in the region and in the Republic of North Macedonia, July, 2019: <https://cutt.ly/5i35qHn>
- Proposals for the improvement of a current state – Openness of institutions of executive power institutions in the region and in the Republic of North Macedonia, July, 2019: <https://cutt.ly/edJeBLW>
- Roadmap on good governance for state institutions in the Republic of North Macedonia 2019 – Based on the Regional Index of Openness of state institutions (Based on the measuring for 2018), July, 2019: <https://cutt.ly/Wi8qyLb>

## ANNEX I: THE OVERALL SCORES OF INDIVIDUAL MINISTRIES AND EXECUTIVE AGENCIES



## Executive Agencies' overall scores







**Metamorphosis Foundation for Internet and Society** is an independent, nonpartisan and nonprofit foundation based in Skopje, Republic of North Macedonia. Its mission is to contribute towards the development of democracy and towards increasing the quality of life through innovative use and sharing of knowledge. Our guiding values are openness, equality and freedom.

The program areas that Metamorphosis operates in are:

- Media for Democracy
- Education for Innovation
- Social Accountability
- Human Rights Online

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ASSESSMENT of good governance in North Macedonia and the region through the openness index [Електронски извор] : parliament and the executive government : based on the measuring for 2019. – Skopje :

Metamorphosis, 2020

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