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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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## PARLIAMENT AND THE EXECUTIVE GOVERNMENT

Based on the measuring for 2020

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## ABBREVIATIONS

<b>ACTION SEE</b>	Accountability, Technology and Institutional Openness Network in South East Europe
<b>API</b>	Access to public information
<b>BiH</b>	Bosnia and Herzegovina
<b>CSO</b>	Civil Society Organization
<b>CV</b>	Curriculum vitae
<b>ENRR</b>	Electronic National Register of Regulations
<b>EU</b>	European Union
<b>FBiH</b>	Federation of Bosnia and Herzegovina
<b>FOI Law</b>	Law on Free Access to Information of Public Character
<b>GRECO</b>	The Group of States against Corruption
<b>IRM</b>	International Reporting Mechanism
<b>IPPG</b>	Inter-party parliamentary group
<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>OSCE/ODIHR</b>	Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights
<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> The delay of the actual start of accession negotiations has affected the credibility of the EU among the citizens of North Macedonia by disassociating the process from the political criteria of the Union – suggesting that accession is not necessarily closely linked to good governance in the country.<sup>5</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 2020 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. Information and data about the scores of all types of institutions in North Macedonia as well as countries of the region are available on the webpage <https://index.actionsee.org/>.

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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>

5 The EU's credibility is declining, but it is still considered the country's biggest ally. Institute for Democracy Societas Civilis – Skopje. Available at: <https://idscs.org.mk/mk/2020/02/26/9949/>

## 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>6</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.

The research was carried out between January 2021 and March 2021. 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.

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6 Kaufmann Daniel and Kraay Aart. Governance Indicators: Where Are We, Where Should We Be Going? Policy Research Working Paper. Retrieved from: <https://bit.ly/2BkF83j>; 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>

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 Out of the  
 50 monitored  
 executive  
 institutions,  
 37 (74%) responded  
 to the questionnaire,  
 13 of which are  
 ministries and  
 23 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 institutions at the executive level, 37 (74%) responded to the questionnaire while the remaining 13 (26%) automatically score 0 in the respective indicators. Of the institutions that did not answer the questionnaire, 3 were ministries (Ministry of Culture, Ministry of Health, and Ministry of Political Systems and Inter-Community Relations) and 10 were executive agencies. The Assembly of the Republic of North Macedonia responded to the questionnaire.

In line with supporting the civic sector as watchdog organisations demanding from their parliaments to uphold to the principles of openness, this year's research for the first time includes evaluating the Croatian and Slovenian parliaments' openness performance by the Index of Openness methodology thanks to the cooperation of the ACTION SEE network with NGO Gong from Croatia and the Today is a new day from Slovenia..



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

#### Legislative assemblies from the region

**Bosnia and Herzegovina (BiH)**, in contrast to the region, has a more complexly organized legislative power, consisting of the Parliamentary Assembly of BiH, the Parliamentary Assembly of the Federation of BiH, and the National Assembly of the Republika Srpska as part of the legislative structure, RS Council of Peoples, Brčko and 10 cantonal assemblies which were not included in the research. Their work is regulated by the Constitutions<sup>7</sup> and Rules of Procedure<sup>8</sup>.

**The Parliamentary Assembly of BiH** has two houses: the House of Peoples and the House of Representatives. The House of Peoples consists of 15 delegates, two-thirds from the Federation (including five Croats and five Bosniaks) and one-third from Republika Srpska (five Serbs). Nominated Croat or Bosniak delegates from the Federation are elected by Croat or Bosniak delegates in the House of Peoples of the Federation. Delegates from the Republika Srpska are elected by the National Assembly of the Republika Srpska. The House of Representatives consists of 42 delegates, two thirds of whom are elected from the territory of the Federation, and one third from the territory of the Republika Srpska. Members of the House of Representatives are elected directly from their entity, in accordance with the Election Law.

The legislative power in the **Federation of Bosnia and Herzegovina (Parliament of FBiH)** is exercised by the House of Representatives and the House of Peoples. The House of Representatives consists of 98 delegates. At least four members of one constituent peoples should be represented in the House of Representatives of the FBiH. Delegates are elected directly through elections. The House of Peoples consists of 58 delegates, 17 delegates from each of the constituent peoples and 7 delegates from among the others. Others have the right to participate equally in the majority voting procedure. The delegates of the House of Peoples are elected by the cantonal assemblies from among their delegates in proportion to the national structure of the population. The number of delegates for the House of Peoples elected in each canton is proportional to the number of inhabitants of the canton, with the number, structure and manner of election of delegates being determined by law.

The **National Assembly of Republika Srpska** has 83 delegates. Electoral laws determine the constituencies and the system of division of mandates which ensure that all municipalities are adequately represented in the National Assembly. Deputies are elected directly and by secret ballot. The election and termination of the mandate of deputies and the formation of constituencies are regulated by law. At least four members of one constituent peoples will be represented in the National Assembly.

7 Constitution of BiH. Retrieved from: [https://www.ustavnisud.ba/public/down/USTAV\\_BOSNE\\_I\\_HERCEGO](https://www.ustavnisud.ba/public/down/USTAV_BOSNE_I_HERCEGO); Constitution of Republika Srpska. Retrieved from: [https://www.narodnaskupstinars.net/sites/default/files/upload/dokumenti/ustav/lat/ustav\\_republike\\_srpske.pdf](https://www.narodnaskupstinars.net/sites/default/files/upload/dokumenti/ustav/lat/ustav_republike_srpske.pdf); Constitution of the Federation of BiH. Retrieved from: <https://www.paragraf.ba/propisi/fbih/ustav-federacije-bosne-i-hercegovine.html>

8 Rules of procedure of the House of Representatives of the Parliamentary Assembly of BiH. Retrieved from: <https://www.parlament.ba/Content/Read/59?title=Poslovnik>; Rules of procedure of the House of Peoples of the Parliamentary Assembly of BiH. Retrieved from: <https://www.parlament.ba/law/LawDetails?lawId=1132>; Rules of procedure of the House of Representatives of the Parliamentary Assembly of FBiH. Retrieved from: <https://predstavnickidom-pfbih.gov.ba/bs/page.php?id=20>; Rules of procedure of the House of Peoples of the Parliamentary Assembly of FBiH. Retrieved from: <https://parlamentfbih.gov.ba/v2/hr/stranica.php?idstranica=62>; Rules of procedure of the National Assembly of Republika Srpska. Retrieved from: <https://www.narodnaskupstinars.net/?q=la/narodna-skup%C5%A1tina/poslovnik>

A unicameral **Croatian Parliament** is comprised of 151 members out of which 49 are women (32,45%). 140 members are elected from 10 in-country constituencies, eight from national minorities' constituency and three from constituency for Croatian citizens living abroad. The most important acts<sup>9</sup> regulating Parliament's work are the Constitution and Constitutional laws, Law on Duties and Obligations of MPs, Law on Political Parties, Law on Conflict of Interest, Law on Financing of Political Activities, Election Campaigns and Referenda, Law on Cooperation between Parliament and Government, Rules of Procedures and Rules on Public Access to Proceedings in the Croatian Parliament and its Working Bodies. Unlike in Slovenia, Serbia and North Macedonia, there is no single law regulating Parliament's work, or some of its core functions (for instance Law on Parliamentary Oversight as in BiH). The 10th convocation constituted on July 22, 2020 currently operates through 28 standing committees.

The main acts that regulate the work of the **Parliament of Montenegro** are the Constitution<sup>10</sup> and the Rules of Procedure<sup>11</sup>. Although 15 years have passed since the restoration of state independence, there is no Law on the Assembly nor the Law on the Government. The 27th Convocation of the Parliament of Montenegro was constituted following 2020 elections. The Parliament has 81 MPs, and only one-quarter of female MPs are holding seats. New amendments to the Rules of Procedure introduced the requirement that at least one vice-president of the parliament be a representative of the underrepresented gender, with one MP coming from the ranks of minority parties. Thus, this is the first-ever convocation that elected a woman as vice-president of the parliament.

The **Assembly of the Republic of North Macedonia's** work is regulated by the Constitution<sup>12</sup>, Law on the Assembly of the Republic of Macedonia<sup>13</sup>, and the Rules of Procedure of the Assembly of the Republic of Macedonia<sup>14</sup>, which among other things, regulate its organization, work procedures, jurisdiction, parliamentary oversight, national and international relations, as well as the involvement of the public in their work. Selected through a proportional electoral system with party lists in electoral districts, between 2020 – 2024, the Assembly is composed of 120 MPs<sup>15</sup>, ethnically mixed, out of which 73 women as MPs, and 5 MPs belonging to the youth category<sup>16</sup>. In its latest composition, the Assembly has 25 work committees<sup>17</sup> and 2 councils<sup>18</sup>.

The procedures of the **National Assembly of the Republic of Serbia** are regulated with the Rules of Procedure<sup>19</sup> whereas the organizational structure, authorities, relation with other organs and financing are regulated with the Law on the National Assembly<sup>20</sup>. This, 12<sup>th</sup> convocation, was elected through a proportional election system in 2020, to a four years mandate in an atmosphere where the majority

9 The most important laws and regulations of the Croatian parliament. Retrieved from: <https://www.sabor.hr/en/information-access/important-legislation>

10 Constitution of Montenegro. Retrieved from: <https://www.skupstina.me/me/ustav-crne-gore>.

11 Rules of Procedures of the Parliament of Montenegro. Retrieved from: <https://www.skupstina.me/me/poslovnik-o-radu>.

12 Constitution of the Republic of North Macedonia. Retrieved from: <https://sobranie.mk/ustav-na-rm.nspk>

13 Law on the Assembly of the Republic of Macedonia. Retrieved from: <https://www.sobranie.mk/zakon-za-sobranieto-na-rm.nspk>

14 Rules of Procedure of the Assembly of the Republic of Macedonia. Retrieved from: <https://sobranie.mk/content/Delovnik%20na%20RM/DelovniknaSRMPreciscenitekstAvgust13.pdf>

15 Members of Parliament 2020-2024. Retrieved from: <https://sobranie.mk/segashen-sostav-2020-2024.nspk>

16 Report on the work of the Assembly of the Republic of North Macedonia for the period 04.08.2020 – 31.12.2020. Retrieved from: <https://www.sobranie.mk/content/izvestaj/IZVESTAJ%202020%20SAJT.pdf>

17 Working bodies 2020-2024. Retrieved from: <https://sobranie.mk/rabotni-tela-2020-2024.nspk>; Other bodies 2020-2024. Retrieved from: <https://sobranie.mk/drugi-tela-2020-2024.nspk>

18 Councils 2020-2024. Retrieved from: <https://sobranie.mk/2020-2024-soveti.nspk>

19 Rules of Procedure of the National Assembly of the Republic of Serbia. Retrieved from: [http://www.parlament.gov.rs/narodna-skupstina-vazna-dokumenta/poslovnik-\(precisceni-tekst\)/ceo-poslovnik-\(precisceni-tekst\).1423.html](http://www.parlament.gov.rs/narodna-skupstina-vazna-dokumenta/poslovnik-(precisceni-tekst)/ceo-poslovnik-(precisceni-tekst).1423.html)

20 Law on the National Assembly. Retrieved from: [https://www.paragraf.rs/propisi/zakon\\_o\\_narodnoj\\_skupstini.html](https://www.paragraf.rs/propisi/zakon_o_narodnoj_skupstini.html)

of opposition parties boycotted the elections. This resulted with 97% out of 250 MPs, belonging to the ruling majority. The current parliamentary opposition consists of only 7 MPs, while 4 minority lists also won parliamentary seats. This is the least pluralistic parliament since 1990, with a majority of inexperienced MPs – 58% are first time MPs. Additionally, 40% are female MPs, which represents the legal threshold. The process of constituting the Parliament began with the expiration of the legal deadline and it took almost three months to finalize it. The Assembly has 20 parliamentary committees that are presided exclusively by the members of the ruling majority.

The **Assembly of Autonomous Province of Vojvodina**<sup>21</sup> performs legislative and other functions in the Autonomous Province of Vojvodina, in compliance with the Constitution of the Republic of Serbia and the Statute of the Autonomous Province of Vojvodina. This Assembly consists of 120 deputies who are elected in direct elections, under the proportional electoral system, for a period of four years. Current convocation, elected in 2020, encompasses 19 committees with 5 MP groups, and 8 independent deputies. The organization and procedures, as well as the exercise of the rights and duties of deputies are regulated by the Rules of Procedure of the Assembly of the Autonomous Province of Vojvodina and with the Statute of the Autonomous Province of Vojvodina.

The **Slovenian Parliament** is incompletely bicameral, consisting of the National Assembly and the National Council. The National Assembly consists of 88 members elected according to the proportional electoral system and one representative of Italian and one of Hungarian communities, which are elected according to the single-round majority system<sup>22</sup>. In addition to the Constitution of the Republic of Slovenia tasks, competencies, organization and operation of the National Assembly are regulated in the National Assembly Act and the Rules of Procedure. The rights and duties of its members are regulated with the Deputies Act and the Code of Ethics for Deputies. Despite the legalized gender quotas, only 22 women were elected to the National Assembly in the last elections in 2018. There are currently 25 female members of the National Assembly. The term lasts 4 years.

The National Council has 40 members representing social, economic, professional and local interests.<sup>23</sup> The election of the representatives of the special interest groups is carried out by electors sitting on electoral boards. Representatives of the electorate (electors) are elected by interest organisations in accordance with their own rules of procedure. 22 members are elected by local communities to serve as representatives of local interests. In the 2017 elections, only 4 female members were elected. In addition to the Constitution of the Republic of Slovenia, tasks, competencies, organization and operation of the National Council are regulated by the National Council Act, the Rules of Procedure and the Code of Ethics of the National Council. The term lasts 5 years. Only the National Assembly was involved in the research presented in this paper.

### 3.1. Parliamentary openness in the Balkans

The openness of parliaments in the region has seen some progress since our last report, although it is still not at a satisfactory level in all the countries. Bringing into comparison the parliaments of Croatia

21 Article 30 – 43 of the Statute of the Autonomous Province of Vojvodina. Retrieved from: <https://www.skupstinavojvodine.gov.rs/Strana.aspx?s=statut&j=SRL>

22 The current representatives of the Italian and Hungarian communities were elected in 2018 according to the Broda count, which was replaced by a single-round majority electoral system in 2021.

23 The National Council consists of 4 representatives of employers, four representatives of employees, four representatives of farmers, craftsmen and independent professions, 6 representatives of non-economic activities and 22 representatives of local interests.

and Slovenia as countries which were formerly part of Yugoslavia but are EU members for almost 8 and 17 years now, has really brought into perspective the openness of the parliaments of the countries which were once part of the same political system and federation. Our research shows that, even though their parliaments have already established some good practices in line with the good governance practice, certain challenges remain mutual for all of the monitored countries. On a more positive note, despite the challenging pandemic circumstances the majority of the parliaments in the region have invested additional efforts to improve their openness towards their citizens, while some have achieved marginal progress or decline.

Our latest results place the Parliament of Montenegro in the first place in terms of openness of the legislative power from the analyzed countries from the territory of the former Yugoslavia. The Parliament of Montenegro meets 77.89% of the set openness criteria, the National Assembly of Slovenia 72.31%, the Assembly of North Macedonia 68.15%, the Croatian Parliament 61.15%, the National Assembly of Serbia 57.72%, and the Parliamentary Assembly of BiH 53.64% (House of Peoples 52.43%, House of Representatives 54.84%).

One crucial aspect to be taken into consideration is that in Serbia and BiH, we also measured the openness of provincial and entity parliaments, thus, the Assembly of the Autonomous Province of Vojvodina achieved a result of 47.86% of fulfilled indicators, the National Assembly of Republika Srpska 42.25%, and the Parliament of the Federation of BiH met 35.57% (House of Peoples 39.58%, House of Representatives 31.56%).

There is still a significant difference in the openness of parliaments in the region which is due to a continuation of the trend recorded in the previous years, demonstrating that the legislature in Montenegro and North Macedonia continuously records better results in openness. This year the legislative institutions from BiH and Serbia are also surpassed in openness by the newest members of the research, Slovenia and Croatia. However, what needs to be emphasized is that in comparison to the previous year, significant progress in attaining to the openness principles has been made by the Parliamentary Assembly of BiH (progress of 17.24%), the Assembly of the Autonomous Province of Vojvodina (progress of 16.86%), the National Assembly of Serbia (progress by 12.23%) and the Parliament of Montenegro (progress by 10.39%). In continuation we refer to the main obstacles that hinder further progress in the openness of the parliaments in the region.

### 3.1.1. Marginal steps towards a strategic approach to openness policies

The lack of a strategic approach to openness policy by legislators in the region remains a burning issue regarding which the ACTION SEE has been warning about for over 5 years now. The openness of the parliaments of the region is not regulated by one strategic document, rather the principle is part of several policies that regulate their work. This shortcoming is a vital obstacle to the effectiveness of the parliaments as it further puts their openness in practice free for interpretation of the current parliamentary leadership, and their free will to adhere to democratic principles and rules of good governance.

Transparency<sup>24</sup> in BiH is not regulated at the legislative level, and the involvement of the Parliaments in the Open Government Partnership is also pending. Unfortunately, proactive transparency has not yet been included in the Laws on Free Access to Information<sup>25</sup>, although this has been advocated by civil society associations and many institutions for years. Articles 210 – 218. The Rules of Procedure of the Parliament of Montenegro stipulate that the work of the Parliament and its committees is public. The Action Plan for Strengthening the Legislative and Control Role of the Parliament of Montenegro in 2021 envisages the adoption of the Rulebook on Publicity of the Parliament and the Rulebook on Administration, Publication and Internet Advertising on the Parliament's Web Site and Accounts on Social Networks.

The transparency of Croatian Parliament is regulated through Rules of Procedures and Rules on Public Access to Proceedings in the Croatian Parliament and its Working Bodies from 2005 which are both outdated. Unfortunately, presumably due to the 2020 earthquake and pandemic, the Parliament has stopped publishing plenary voting results by individual MPs thus ruining the citizens' trust in the situation of a slim majority of only one vote. Croatia is also a member of the Open Government Partnership (OGP), and parliamentary transparency was among the commitments in the Croatian Action Plan 2018-2020. The OGP's Transitional Results Report on Croatian Action Plan 2018-2020 states that in parliamentary transparency, not all of the features proposed by the action plan are met. "For example, access to data via API (Access to public information) is only offered for archive data from the former webpage and voting information is only offered for plenary sessions (disrupted due to COVID-19 and earthquake damage)."<sup>26</sup>

The Constitution of the Republic of Slovenia defines the right to access to public information, the right to petition and the right to participate in the management of public affairs as constitutional rights. In addition to stipulations in the National Assembly Act and the Rules of Procedure of the National Assembly, transparency, accessibility, openness and efficiency of the National Assembly are ensured primarily by the Access to Public Information Act and the Integrity and Prevention of Corruption Act. Some specific standards regarding transparency and public participation in the management of public affairs are also governed by other regulations (for example the Public Procurement Act, the Environmental Protection Act, the Spatial Planning Act, the Civil Servants Act, etc). The importance of public participation in the preparation of regulations is also defined by the Resolution on Normative Activity.

Although the parliaments publish the majority of the strategies they implement on their websites, our research shows that the work of the most of parliaments is not based on a strategic guiding document for their work that includes a composition of activities, methodology of implementation and indicators of success, that they base their work and the work of MPs on. What is contradictory is that some of the parliaments publish annual work reports without having published an annual work programme, which

24 In the case of North Macedonia, the transparency of the Assembly is regulated by the Constitution, Law on the Assembly, the Rules of Procedure of the Assembly, as well as the Law on Free Access to Public Information. The Assembly is also part of the Open Government Partnership.

Transparency of the work of the National Assembly of the Republic of Serbia is regulated with the Law on the National Assembly and furthermore with the parliamentary Rules of Procedure, whereas the provincial Assembly regulates it with its provincial Rules of Procedure.

25 Law on Free Access to Public Information of the Republika Srpska. Retrieved from: [https://advokat-prnjavorac.com/zakoni/Zakon\\_o\\_slobodi\\_pristupa\\_informacijama\\_RS.pdf](https://advokat-prnjavorac.com/zakoni/Zakon_o_slobodi_pristupa_informacijama_RS.pdf); Law on Free Access to Public Information of the Parliament of the Federation of BiH. Retrieved from: [https://advokat-prnjavorac.com/zakoni/ZAKON\\_pristupu\\_informacijama\\_FBiH.pdf](https://advokat-prnjavorac.com/zakoni/ZAKON_pristupu_informacijama_FBiH.pdf); Law on Free Access to Public Information of the Parliament of BiH. Retrieved from: [https://advokat-prnjavorac.com/zakoni/ZAKON\\_O\\_SLOBODI\\_PRISTUPA\\_INFORMACIJAMA.pdf](https://advokat-prnjavorac.com/zakoni/ZAKON_O_SLOBODI_PRISTUPA_INFORMACIJAMA.pdf)

26 Independent Reporting Mechanism (IRM): Croatia Transitional Results Report 2018-2020. Retrieved from: [https://www.opengovpartnership.org/wp-content/uploads/2021/06/Croatia\\_Transitional-Results\\_Report\\_2018-2020\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/06/Croatia_Transitional-Results_Report_2018-2020_EN.pdf)



denotes that they are either guided by instant needs that arise, or the wider audience has no insight in any such document that they base their work on, both of which is frowned upon.

Despite the good legal basis for parliamentary oversight, it is evident that in practice, this aspect remains weak. While the majority of the parliaments do not foresee sanctions for ministers and other executive officials for not participating in the hearings, very few publish reports from oversight activities (hearings). Improvement in this area is essential as 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. Moreover, these reports are equally important in EU member states as they provide valuable information into parliamentary oversight activities.

### 3.1.2. 'Proactivity in publishing information' – only if regulated by law

Unlike the other countries' legislation, proactive disclosure of information on the websites of institutions is still not part of the BiH law on freedom of access to public information, which also does not clearly define the law-enforcing institution and its responsibilities. However, despite the existence of such a commitment in the legislations of the other countries, the work of the parliaments and MPs in practice does not often go in line with it and the international standards of transparency. The (lack of) availability of certain documentation, materials and information discussed at the plenary sessions and working bodies, as well as financial information remains at a low level.

In line with financial transparency, while the parliaments demonstrate greater transparency in organisational information, the same cannot be said for the public procurement indicators in the parliaments of North Macedonia and Serbia. On a legislative level and in line with corruption prevention, parliaments should consider regulating the role of the public procurement officers, making sure they are also obliged to submit asset cards in the same way as the public officials. Publishing the information on salaries of public officials is still not a practice of the majority of the parliaments in the region.

When it comes to the legislation on free access to information, the Law in North Macedonia remains the only one in the region where the maximum timeline for responding to FOI requests is more than 15 days, namely 20 days. Having in mind this timeframe, there is a risk for the requested information to become obsolete and further jeopardize the quality of certain research, education and journalism, amongst other things.

Setting aside the timeframe, in line with the legal provisions guaranteeing this right, parliaments in the region are more inclined to formally fulfill their obligations in terms of transparency and openness. This being said, only the parliaments in Republika Srpska and Federation of BiH did not answer to our request for free access to information for this year's research.

Having in mind the low results in the fulfillment of the open data criteria, additional efforts should be invested in the capacity building of civil servants in the field of free access to information and open data, in order to ensure that the information that is being openly disclosed can be easily accessible and reused for the journalism, research, education, and IT solutions, amongst other things. In the Western Balkans, open format is still used sporadically and is not a constant practice of the parliaments. From this year, the Parliament in Montenegro has started publishing documents in open format which is a big leap towards openness and should be maintained as a practice in the future.

Nevertheless, there is a great need for the parliaments to improve their proactive transparency and cooperation with the civil society, citizens and the media, which is not always the case outside legal

obligations. As part of the research and based on the principles of proactive transparency and good will for cooperation of the institutions, questionnaires for this research were disseminated to the parliaments in order to support our analysis in more detailed, and those were not provided by the House of Representatives and the House of Peoples of the Federation of BiH (Parliament of FBiH) and the National Assembly of the Republic of Serbia.

When it comes to the openness of the institutions for cooperation with citizens, the parliaments of North Macedonia, Serbia and Croatia are the only ones in the region that are part of the Open Government Partnership (OGP). In order to establish a meaningful and coordinated cooperation with the civic sector, recognizing its value, role and significant contribution to a functioning democratic system, it is essential that the remaining parliaments join this global initiative.

### 3.1.3. Openness through upholding integrity

The effective, honest and purposeful use of powers and resources entrusted to the public sector is crucial for the eradication of bribery, corruption and public mistrust, which is why parliaments should strive to uphold to the principles of integrity. The majority of the parliaments in the region have regulated the integrity of their MPs through adopting a Code of Ethics, apart from the Parliament of Croatia and the Assembly of the Autonomous Province of Vojvodina. This demonstrates their lack of respect towards the collective integrity of its constituents and leaves fertile ground for potential corruption. As changes to the Croatian Parliament's Rules of Procedures are under way, it is expected that the Parliament will also initiate workings on its code of ethics/conduct and the relevant enforcement procedures. As GRECO<sup>27</sup> noted, the code has been due in 2015 according to the 2015–2020 Anticorruption Strategy but political consensus about this important integrity tool is still missing which is unsatisfactory. This has also caused Croatia to be evaluated rather poorly in this research.

The Code of Conduct for MPs in Serbia, whose adoption was stalled since 2014, was finally adopted during this convocation, after an extremely short work on the new draft text carried out by the Working Group formed only 2 days earlier. The draft Code, which the MPs debated for almost two days, was somewhat modified by the amendments adopted on the day of the vote, after the severe reaction of the public. In addition, the scope of sanctions in the adopted Code has been reduced and the Code also lacks compliance with the international standards. The most controversial legal solution is that the body that is in charge of its implementation and decides upon complaints is the parliamentary Committee on Administrative, Budgetary, Mandate and Immunity Issues, instead of the Ethics Council envisaged by the previous draft. So far, the Committee decided upon ten complaints submitted by the CSOs against MPs for inciting hatred and violence (this batch of complaints included also one against the Chair of this Committee). All complaints were rejected with the exception of the last one. The last complaint was resolved with a reprimand against an MP for using expressions like "fascist" and "Nazi" with the intention to insult their political opponent, although previously rejected complaints in certain cases referred to the usage of the same type of language.

The lack of respect towards the integrity is also demonstrated through no strategic approach towards integrity, having only 2 parliaments with being guided by integrity plans or internal anti-corruption policies (Parliament of Montenegro and Parliament of BiH), and very few investing in their capacity building in the field of anti-corruption.

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27 ГРЕКО жали дека кодексот на однесување на пратениците не е усвоен. HR N1. Преземено од: <https://hr.n1info.com/english/news/a566594-GRECO-regrets-code-of-conduct-for-MPs-hasnand39t-been-adopted-says-daily/>

### 3.1.4. Interaction with citizens

One of the main challenges in bridging the gap between the citizens and their representative institutions is the lack of usage of new technologies and the opportunities that new communication channels. As an example, only the parliaments of Montenegro and North Macedonia communicate their work through social media - Facebook and Twitter. Less than half of the parliaments in the region have direct online communication channel available at their website through which citizens can raise concerns, complaints and making appeals, very few of which actually provide any guidelines for their usage. In Croatia, there are no institutional mechanisms for citizens to interact with the Parliament and there is no obligation by the Parliament to review any citizen proposals with the exception of referendum initiatives/petitions obtaining signatures of 10% of the electorate.

In times of pandemic which has catalyzed digitalization of public processes and brought closer the Digital Agenda for the Western Balkans, e-petitions are still a foreign concept to the Western Balkan parliaments. Aside from that, none of the monitored parliaments follows a strategic communication (PR) policy, which puts in question their communication efforts, potentially marking them as arbitrary and based on immediate needs instead of good practice.

While the majority of the parliaments organize civic education programs and publish educational materials for citizens, to establish a closer contact with the citizens, parliaments in Slovenia, North Macedonia<sup>28</sup> and Serbia<sup>29</sup> also operate with constituency offices where citizens can interact with their selected MPs.

In North Macedonia, the offices for contact with the citizens were established through a project in 2003 with the support of international donors. Each of the offices in the municipalities are operated by an assistant who helps the MP. Through direct communication with the elected representatives, the citizens have the opportunity to exchange information, proposals and suggestions, in order to increase their participation in the work of the Assembly. In 2020, out of 75 offices 46 have been put in function, whereas for the remaining, the local self-governing units have failed to provide space. Similarly, in 2009, with international support the National Assembly of the Republic of Serbia established local offices for communication with citizens. There are currently 33 offices which bring the MPs' work and activities closer to the citizens, which achieves greater transparency and increases the responsibility of elected representatives towards the people.

In Slovenia, the Deputies Act stipulates that deputy offices with the necessary professional and administrative staff are organized in each electoral unit. The functioning of parliamentary offices is (co) financed from the state budget. Nevertheless, it should be noted that the organization of parliamentary offices is mostly in the domain of political parties and no information on the locations of the offices can be found on the official websites of the National Assembly. There is also no information about where an individual can find the closest deputy office published on the website. Since the organization of the offices is in the domain of deputies and political parties, it also depends on them how much interaction with voters will be provided through the deputy office.

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28 Offices for contact with the citizens. Assembly of the Republic of North Macedonia. Retrieved: <https://www.sobranie.mk/kancelarii-za-kontakt-so-graganite-map.nspix>

29 Offices for communication of MPs with citizens. National Assembly of the Republic of Serbia. Retrieved from: <http://www.parlament.gov.rs/gradjani/poslanicke-kancelarije.4381.html#18129>

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

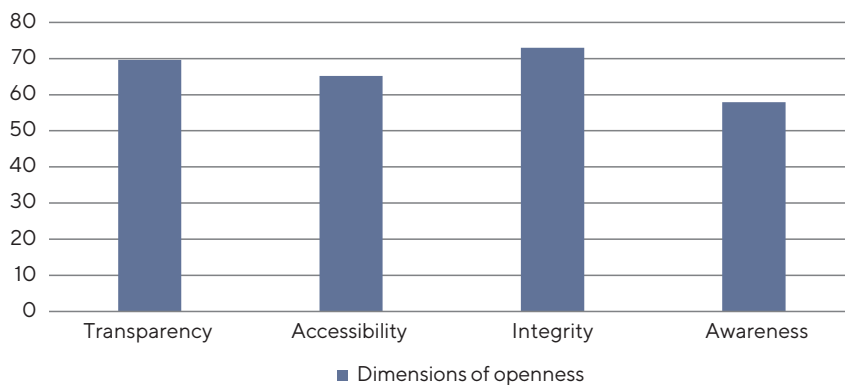


CHART 1.  
Openness of the Assembly of the Republic of North Macedonia through principles (domains)

According to the latest measurement of openness of the institutions, the Assembly of the Republic of North Macedonia meets 68.15% of the openness indicators and is ranked third in the region (in first place remains the Assembly of Montenegro with 77.89%, followed by the Assembly of Slovenia with 72.31% fulfillment of openness indicators). Having in mind the last year's results (65.63%)<sup>30</sup>, we can confirm that in the past year there have been marginal improvements in terms of the openness of the Assembly.

Last year (2020) was a very turbulent period for the country, followed by the COVID-19 crisis, the functioning of the state without an Assembly for approximately 5 months, as well as early parliamentary elections. Immediately before the adoption of the Decision on self-dissolution of the Assembly<sup>31</sup>, the MPs adopted the Law on Public Prosecution on a second attempt and in a shortened procedure. Although the European Commission in its latest Progress Report on North Macedonia<sup>32</sup> noted the progress of the Assembly in terms of fulfilling its legislative functions and the adoption of key laws related to the European Union, it stressed that the use of the shortened procedure should be limited, which goes in line with our recommendations. Furthermore, before the self-dissolution of the Assembly, the new composition of the Inter-Party Parliamentary Group (IPPLG) for the rights of persons with disabilities was elected<sup>33</sup>. This group is the only one of its kind<sup>33</sup> in the region, which includes representatives of all political parties that were part of the then parliamentary composition. The previous composition emphasized the political participation of persons with disabilities and the Declaration on Political Participation of Persons with Disabilities was adopted (December 2019).

The early parliamentary elections were held on 15 July, and were assessed by the OSCE / ODIHR as well-conducted despite the pandemic<sup>34</sup>, with legal certainty as the biggest concern due to significant changes in the legal framework and subsequent government decrees with legal force.

30 Фондација Метаморфозис (2020). Проценка на доброто владеење во Северна Македонија и регионот преку Индексот на отвореност – Собрание и извршна власт. Преземено од: [https://metamorphosis.org.mk/izdanija\\_arhiva/procenka-na-dobroto-vlijanie-vo-severna-makedonija-i-regionot-preku-indeksot-na-otvorenost-sobranie-i-izvrshna-vlast/](https://metamorphosis.org.mk/izdanija_arhiva/procenka-na-dobroto-vlijanie-vo-severna-makedonija-i-regionot-preku-indeksot-na-otvorenost-sobranie-i-izvrshna-vlast/)

31 Meta.mk (2020). Macedonian Assembly resolves and the snap elections will take place on the 12 April. Retrieved: <https://meta.mk/en/macedonian-parliament-dissolves-and-the-snap-parliamentary-elections-will-take-place-on-the-12th-of-april/>

32 European Commission (2020). Progress Report on the Republic of North Macedonia. Retrieved: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/update-on-the-republic-of-north-macedonia.pdf>

33 Civica Mobilitas (2020). Citizens for change. Retrieved: <https://civicamobilitas.mk/wp-content/uploads/2021/06/civic-world-8-mk.pdf>

34 Meta.mk (2020). OSCE/ODIHR: The elections well managed despite pandemic, but legal instability remains a concern. Retrieved: <https://meta.mk/en/osce-odihr-the-elections-well-managed-despite-pandemic-but-legal-instability-remains-a-concern/>

Following the elections, on August 4th, the Assembly held the First - Constituent Session of the tenth parliamentary composition where the mandates of the newly elected MPs were verified.<sup>35</sup> After determining the mandates of the MPs, after a two-day debate, on August 31st, with 62 votes "FOR", the MPs in the Assembly adopted the election of the new Government of the Republic of North Macedonia, the thirteenth in a row, proposed by Prime Minister Zoran Zaev<sup>36</sup>.

Lack of technical capacity, i.e. digital skills of public administration and decision makers are a reality in most institutions that became more obvious to the public and to the institutions themselves during the pandemic. During the last year, the Assembly faced technical unpreparedness for holding online sessions, for which, in addition to the technical capacity, certain experts and MPs noted the lack of regulations.<sup>37</sup> Following the example of many other European parliaments, a combined approach was proposed where MPs in isolation due to COVID-19 will participate in the sessions via the Internet, as well as amendments to the Rules of Procedure of the Assembly to enable online voting. Other experts have suggested that while the shortcomings of these regulations need to be addressed, they should not be seen as an obstacle or an excuse for stalling key parliamentary processes. Certain MPs pointed out as an obstacle their own technical capacities to participate in the work of the Assembly via the Internet.

The Assembly of the Republic of North Macedonia is part of the Open Government Partnership Initiative - Open Parliament. By participating in this initiative, the Assembly strives to achieve greater transparency and accountability to citizens, i.e. it has shown a commitment to strengthen its service. In that regard, in October 2020, in cooperation with the Parliamentary Support Program, the Assembly organized a virtual conference for an Open Parliament - Open Government Partnership Action Plan 2021-2023<sup>38</sup>. The discussion resulted in proposals for greater participation of citizens and civil society organizations in the work of the Assembly, easier access to MPs and parliamentary bodies, opportunities for virtual citizen participation, and the commitment of the Assembly to form a working group of MPs employed in the parliamentary service and representatives of civil society organizations that monitor the work of the Assembly.

The Assembly is in the third place in the region in terms of the openness of the parliaments in the region, but compared to other institutions in North Macedonia, the Assembly is in the modest ninth place. This is a failure and setback compared to last year's result when the Assembly was in the fifth place in terms of openness regarding other institutions in the country. This is due to the imperceptible efforts of the Assembly in meeting the indicators of openness, and the improved performance of other institutions including the Government of the Republic of North Macedonia (83.43%), the Ministry of Information Society and Administration (82.24%), the Ministry of Defense (79.49 %), The Ministry of Finance (77.65%), the Customs Administration (76.33%), the Ministry of Environment and Physical Planning (71.45%), the Ministry of Interior (70.39%) and the Ministry of Justice (68.46%).

35 Assembly of the Republic of North Macedonia (2020). At a constitutive session, the Assembly verified the mandates of the members of the tenth parliamentary composition. Retrieved: [https://www.sobranie.mk/2020-2024-aktivnosti-ns\\_article-na-konstitutivna-sednica-sobranieto-gi-verifikuvashе-mandatite-na-pratenicite-od-desettiot-parlament.nspх](https://www.sobranie.mk/2020-2024-aktivnosti-ns_article-na-konstitutivna-sednica-sobranieto-gi-verifikuvashе-mandatite-na-pratenicite-od-desettiot-parlament.nspх)

36 Assembly of the Republic of North Macedonia (2020). With 62 votes "FOR", the Assembly voted the new Government. Retrieved: [https://www.sobranie.mk/2020-2024-aktivnosti-ns\\_article-so-62-glasa-za-sobranieto-ja-izglasa-novata-vlada.nspх](https://www.sobranie.mk/2020-2024-aktivnosti-ns_article-so-62-glasa-za-sobranieto-ja-izglasa-novata-vlada.nspх)

37 Deutsche Welle (2020). Legal as well as technical readiness for online sessions is required. Retrieved: <https://cutt.ly/tm2GOIQ>

38 Assembly of RNM (2020). E-Conference for Open Parliament. Retrieved: [https://www.sobranie.mk/2020-2024-aktivnosti-ns\\_article-e-konferencija-za-otvoren-parlament.nspх](https://www.sobranie.mk/2020-2024-aktivnosti-ns_article-e-konferencija-za-otvoren-parlament.nspх)

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

As a body that is directly elected by the citizens and accountable to the citizens, the Assembly should make greater efforts to ensure full transparency, i.e. openness. The Assembly is governed by the Strategic Plan of the Assembly of the Republic of North Macedonia 2021 - 2023, but it still has not prepared and adopted an annual work program of the Assembly.

Regarding the other documents governed by the Assembly, some of which are not published on their website, the Risk Management Strategy of the Assembly of the Republic of North Macedonia for the period 2018 - 2020 is active, and a third update of the Risk Register for 2020 is performed. There is an annual plan of activities of the Parliamentary Institute for 2020 and 2021, but also a Plan for education and specific communication with the public for the Activities of the Parliamentary Institute, as well as a Training Plan of the Parliamentary Institute. Furthermore, the Assembly has an active Plan of activities for promoting gender sensitivity of the Assembly of the Republic of North Macedonia 2020 - 2021. It is commendable that the Assembly publishes the thorough annual reports on the work of the Assembly and its working bodies, i.e. committees.

During 2020, 30 sessions were convened, and 29 sessions of the Assembly were held. The Assembly worked for 42 days, including the continuation of the sessions. In the same year, a total of 393 amendments to the draft budget were submitted, of which 71 amendments were submitted by the ruling party or coalition, while 322 amendments were submitted by the opposition. Of these, 12 amendments were accepted (8 by the ruling party or coalition, and 4 by the opposition).

As part of the Open Government Partnership initiative, the Assembly has prepared a Special Action Plan of the Assembly 2021-2023 which has not yet been adopted and is planned to be published on their website. However, what still remains a shortcoming is the lack of a special policy for ensuring openness and transparency, as well as a special parliamentary Communication (PR) strategy.

Although the website of the Assembly is available in four languages (Macedonian, Albanian, English and French), it is noticeable that the information is not equally updated in all four language versions, which has been a problem for several years. It should be emphasized that the availability of information in all languages should not only be in the news section, but also in all supporting documents. Furthermore, the structure of the website remains outdated to the extent that it is an obstacle to active information and public participation in the activities of the Assembly. During the pandemic, this shortcoming resulted in a difficult monitoring of the parliamentary sessions by the public because the broadcast was enabled only through the Parliamentary channel, and through the Internet only Internet Explorer users could follow them due to the limited functionality of the video player on the Assembly's website<sup>39</sup>.

As in the previous year, the Assembly has continuity in the implementation of the already established good practices of openness, so it regularly announces the working agendas and dates for the plenary sessions of the committees, draft laws and amendments, videos and minutes of the plenary sessions, as well as attendance and voting of the MPs. When it comes to announcing the vote of the MPs, the votes of the commissions are still not published. Regarding the votes from the plenary sessions, it is important to note that by February 2020, with the previous parliamentary composition, it was publicly stated how each MP voted separately, while from August 2020, the votes were presented in summary.

39 Radio YEF (2020). The new Assembly remained stuck online on the Internet Explorer. Retrieved: <https://www.radiomof.mk/i-novoto-sobranie-ostana-zaglaveno-onlajn-na-internet-eksplorer/>

The Assembly continued with the practice of publishing the CVs and contacts of the MPs, but the manner in which the contacts of the MPs were published is not in a structured and open format. On the contrary, all MPs have special profiles and this makes it difficult to receive emails from all 120 MPs. It is commendable that the MPs are represented by party composition, which to some extent facilitates the search. Although the names and positions of civil servants have been published, there is no practice of publishing them with the date of the last update so that the public knows whether this is outdated or relevant information. The Assembly still did not adopt our recommendation to publish the salaries of the MPs and the funds they are requesting for travel expenses.

Additionally, there is no consistency and uniformity in the practice of all commissions to publish the documents resulting from their work, and at the same time to be in the same format. One thing that is not currently a practice of the Assembly and we recommend it to become, is the publication of the expert opinions of international bodies (European Commission, Venice Commission, etc.) together with the draft laws.

### 3.2.1.1. Financial transparency

One of the measures within the Open Government Partnership initiative – Open Parliament is the increasing of the financial transparency, enabling the autonomy of the parliamentary budget and publishing data on financial transparency. In this category, the Assembly has not published the citizens' budget on its website, nor is there a link to the website of the State Commission for Prevention of Corruption, where the MPs declare their assets. On the website of the Assembly there is no semi-annual report for executing the state budget, but the Assembly upheld the practice of publishing periodic financial statements.

Although the Assembly published the annual public procurement plan with all changes and updated versions, it is important to note that during the research period, public procurement calls, decisions, contracts and annexes were not published on the Assembly website, i.e. these documents were available only on the Single Public Procurement System. It is commendable that during the preparation of this paper, the Assembly made a big step forward in terms of financial transparency and integrated on its website the planned public procurements, the published announcements, the concluded contracts and the realized contracts<sup>40</sup>. What remains an issue in this regard is the publication of annual public procurement reports, as well as annexes to contracts if any.

It is the practice in the Assembly to hold a parliamentary debate on the audit report on the final account. The Committee on Finance and Budget and the Legislative Committee discussed and reviewed the latest draft state budget, although it is advisable that all committees review the draft state budget from the point of view of the area in which they work.

A major shortcoming in the legislation is that the legal framework does not oblige the executive to involve the public during the formulation of the budget process, which means that citizens are not involved in the way their tax funds are distributed. This further leaves room for a budget that does not meet or ignores the needs of the community.

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40 Assembly of the Republic of North Macedonia (2020). Public procurement. Retrieved: <https://sobranie.mk/javni-nabavki.nspcx>

### 3.2.2. Access to information

In the period from December 1st – 31st 2020, the Assembly received 57 requests for access to public information, of which 52 were answered positively, and 5 were unanswered. At the same time, the Assembly answered our questionnaire, and we received an answer to our request for free access to public information.

Contrary to the good international practice applied by other Western Balkan countries, according to the Law on Free Access to Public Information,<sup>41</sup> the holders of public information are obliged to submit the information within 20 days after the submission of the request. Having in mind that the deadline in other countries of the Western Balkans is 15 days or less, it is recommended that this practice be implemented in our country as well.

The website of the Assembly has information available for contact of a designated person and deputy of the person for personal data protection, as well as contact person for communication with citizens who have a certain type and degree of disability. However, what is missing is a contact person for free access to public information, a special section of the website for free access to public information, instructions for exercising that right, a list of public information, and information about which access is approved.

According to the answers from the Assembly to our questionnaire, there is no information available whether the civil servants in 2020 attended any capacity building training to provide access to public information, but in terms of openness, the Assembly organized an event E - Conference for Open Parliament - Action Open Government Partnership plan 2021 - 2023, in cooperation with the Parliamentary Institute and NDI Macedonia.

#### 3.2.2.1. Public consultations and interaction with citizens

According to Article 122, item 2 of the Rules of Procedure of the Assembly of the Republic of North Macedonia<sup>42</sup>, representatives of CSOs and independent experts have the opportunity to participate and monitor the work of the committees. This means that CSOs and independent experts can attend, comment and pose questions to the parliamentary committees. According to the answers we received from the Assembly, in 2020, representatives of CSOs and independent experts were present at all public and oversight hearings at the sessions of the working bodies. Most of them were realized in the form of public debates.

The information received from the Assembly shows that in 2020, the opinion or comments of the public (independent experts, representatives of CSOs, consultants, etc.) on a certain law / strategy / declaration / etc., were requested less than 10 times, which is less in comparison to the previous year where opinions or comments from the public were requested between 10 - 50 times.

As a method to improve the communication between the citizens and the MPs, the Assembly manages Constituency offices for MPs' contact with the citizens at the local level. These offices are open one day a week and serve as a place where citizens and MPs exchange information, proposals and suggestions. All citizens interested in meeting with MPs can see the map of these

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41 Law on Free Access to Public Information. Retrieved: <https://cutt.ly/8yr2coD>

42 Rules of Procedure of the Assembly of North Macedonia. Retrieved: <https://www.sobranie.mk/content/Delovnik%20na%20RM/DelovniknaSRMPrecistentekstAvgust13.pdf>



offices on the website of the Assembly and decide which office they want to visit. Out of a total of 75 offices for contact with the citizens, in 2020 only 46 offices were active. The reason for inactivity of certain offices, according to the Assembly, is that the municipalities have not provided space.

The Parliamentary Institute implements a civic education program for children, high school and university students. More educational materials such as quizzes, publications and brochures can be seen on the Assembly's website, but their relevance is in question as some of the materials are outdated. The website provides an opportunity for a virtual tour of the Assembly.

In order to achieve better interaction between citizens and MPs, the Assembly should publish guidelines for submitting concerns and complaints on their website. These guidelines should be supplemented with an updated form that citizens could download and use. We have already mentioned that the e-mails of the MPs are available on the website of the Assembly, but if they are presented in a structured way, they would be much easier for use. It is mentioned every year that there should be a special channel for electronic petition in order to encourage the participation of citizens in decision-making processes, but this proposal remains to be implemented in the future.

In 2020, 33 laws were adopted by summary procedure, and the Assembly says that the reason for that is that these are not complex and extensive laws. The adoption of laws by summary procedure reduces the possibility of high-quality consultative processes and should be limited to the necessary laws with strict observance of the stipulated conditions.

### 3.2.3. Integrity

In 2018, the Assembly adopted the Code of Ethics for MPs, which although regulates rules regarding conflicts of interest, use of state property, gifts and services, does not regulate the political activity of MPs. During their term, it is important for MPs to remain politically neutral and therefore we propose that the document be supplemented by regulating the political activity of MPs. Additionally, for the second year in a row, we appeal for establish a system for monitoring the implementation of the Code of Ethics for MPs to be established. According to the answers we received from the Assembly, in 2020 no proceedings have been initiated to determine violations of the Code of Ethics of MPs in 2020.

Information on protected internal reporting to public sector institutions is still not posted on the Assembly's website, and no Integrity Plan or other internal regulation or anti-corruption system can be found, including measures to prevent and eliminate various forms of corrupt and unethical behavior within the institution. It is important to note that for the last three years, MPs and civil servants working in the Assembly have attended trainings on prevention of corruption and conflict of interest.

### 3.2.4. Awareness

When comparing all four domains through which we assess the openness of the Assembly, it is noted that the awareness of the Assembly is the lowest (57.89%). This is mainly due to the lack of strategic assessment of the potential impacts of existing and prepared legal acts (Regulatory Impact Assessment - RIA). The RIA is not applied within the Assembly, i.e. the process is implemented in the Government and in the ministries.

In 2020, although no question of confidence in the Government was submitted, the MPs submitted only one interpellation, an interpellation for the work of the Deputy Prime Minister in charge of European Affairs Nikola Dimitrov.

What is still missing and what we have not been able to achieve is information on any sanctions against ministers and other executive officials for not participating in the hearings.

It is recommended that the Assembly starts reviewing all audit reports prepared by the State Audit Office, rather than partially as is the practice so far.

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

We have prepared a series of recommendations that are divided based on the four categories we have developed above. These recommendations address the above issues and should serve as a roadmap for good governance of the Assembly of the Republic of North Macedonia.

#### Transparency

- The Assembly should create and publish a parliamentary communication (PR) strategy.
- The Assembly should create and publish a document / policy / strategy for transparency and openness.
- The Assembly should create and regularly publish an annual work program.
- The Assembly should modernize and supplement its website with equal information in all languages, and publish the missing documents in open format.
- The Assembly should publish a structured list of MPs with their contacts in open format.
- The Assembly should publish the salaries of the MPs and the requested funds for travel expenses.
- The Assembly should publish the videos and all documents resulting from the committee sessions on their website.
- The Assembly should publish the minutes of the votes of the committees.
- The Assembly should publish the expert opinions of international bodies (Venice Commission, European Commission, etc.) together with the draft laws.
- The Assembly should publish the Citizens' Budget on the website.
- The Assembly should publish semi-annual reports on the spending of the state budget on the website.
- The Assembly should publish a link to the website of the State Commission for Prevention of Corruption, where the property lists of MPs are published.
- The Assembly should publish the annexes to the contracts and the annual public procurement reports.
- The Law on Public Procurement should oblige public procurement officials to submit property certificates, as well as a request for collection and public disclosure of ownership of all bidders.
- All committees within the Assembly should discuss the draft state budget

#### Accessibility

- Holders of public information should be required by law to respond to requests for access to information in 15 days or less.
- The Assembly should publish on its website an explanation of the procedure for obtaining public information, but also publish the information for which free access has already been approved.
- Committees should cooperate and seek comments / opinions from the public more often by opening public calls for comments and suggestions from the public.
- Civil servants should be provided with capacity building training in the field of access to public information, but also open data, as well as instructions on how to use and publish open data.
- The Parliamentary Library should include electronic versions of publications, not only their names, while new or updated educational material should be posted on the Assembly website.

- The Assembly should emphasize the restriction of the practice of adopting laws by summary procedure only on the provided conditions.
- The Assembly should publish on its website instructions for submitting complaints and appeals, as well as establish a separate channel for electronic petition.

### Integrity

- The Code of Ethics for MPs should also regulate their political activity.
- The Assembly should establish concise mechanisms for monitoring the implementation of the Code of Ethics for MPs.
- The Assembly should publish information on whistleblower protection on its website.
- The Assembly should adopt and publish an integrity plan or other format of internal anti-corruption policy that includes measures to prevent and eliminate various forms of corrupt and unethical behavior within the institution.

### Awareness

- The Assembly should start with the practice of strategic assessment of the potential impacts of existing and prepared legal acts.
- There should be sanctions for ministers and other executive officials for not attending hearings.
- The Assembly should review all audit reports prepared by the State Audit Office.

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

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

After analyzing a large number of methodologically rounded data, we noticed similarities and differences in the openness of the institutions of the executive authorities of the region. The general results show that the openness of the executive authorities in the region is improving in certain segments, but it is still not at a satisfactory level.

The most open is the Government of North Macedonia, which meets 83.43% of the set criteria of openness, followed by the Council of Ministers of BiH with 74.9%. In third place is the Government of Montenegro with 59.46%, followed by the FBiH Council with 58.42%. The Government of the Republic of Serbia meets 47.67% of the criteria, and the Government of the Autonomous Province of Vojvodina 50.18%. In last place is the Government of Republika Srpska with 38.53% of the criteria of openness.

The best results are achieved by the ministries in North Macedonia with 62%, followed by the ministries of Montenegro with 57.9%, the ministries in Serbia with 48.7%, and the ministries in Bosnia and Herzegovina that meet 30.6% of the openness criteria. It should also be noted that in the previous period, a large number of executive institutions were newly formed or restructured (mostly ministries), so these institutions had to be processed with this in mind. This is especially visible in Montenegro, in which case only ministries that have had continuity in their work in the previous three years have been analyzed.

Measuring the openness of administrative bodies shows that Montenegro has the best result with 49.41% of fulfilled criteria of openness, followed by North Macedonia with 40.57%, then Bosnia and Herzegovina with 34.55%, and Serbia with 34.18%. The results of this year's survey show improvement, but we still point out that there are significant inequalities within the groups of institutions, so there are bodies that are an example of open and transparent action, but also those that without any consequences do not respect not only the principles and practices of good governance, but also the legal obligations of the public to work.

As the first country in the region to create such a policy, North Macedonia set an example of how an institution should systematically approach and direct its efforts towards proactive transparency and openness to its citizens. However, when it comes to implementing the Transparency Strategy of the Government of the Republic of North Macedonia for the period 2019-2022, we note that the government did not fulfil most of the envisaged activities, showing significant challenges in terms of implementing the foreseen principles of openness in practice. The situation is similar in BiH, bearing in mind that the application of the Policy of Proactive Transparency in Public Administration in BiH varies from institution to institution, which further causes an uneven level of openness of administrative bodies. The new Government of Montenegro did not continue the activities on the development of the first strategy of openness, but, judging by the Work Program in 2021, it gave up on this very important process. In his speech the exposition, the Prime Minister pointed out the transparency of the state administration as a principle of work, but for now we do not record any progress in this area. On the contrary, many publicly given promises to establish a transparent governance system remain unfulfilled. In Serbia, the same strategic documents and laws are still in force, which regulate the obligations regarding the openness of the executive authorities and which do not provide tangible changes in practice.

The crisis caused by the COVID-19 pandemic in the previous year provided the basis for hiding certain documents and data related to the work of the executive authorities from the public eye. In addition, the emergency situation has exposed many problems that state administration bodies face, especially when it comes to public procurement, but also the non-functioning of electronic services.

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 the public administration.

#### 4.1.1. Widespread financial non-transparency

The current practice of the executive shows that institutions have quite uneven approaches when it comes to publishing financial information and documents.

There are very few executive institutions that publish complete budget information. In addition, there is a noticeable lack of initiative to make this important document understandable to citizens, in order to bring them closer to how all executive institutions will spend the public money. Also, there is very scarce information on how the planned money was actually spent. More than half of the governments in the region have not published the semi-annual report on budget execution public on their websites, and the practice of not publishing decisions on budget reserve spending remains a major problem given the breadth of space that leaves room for abuse.

The practice of not publishing public procurement plans, contracts and tender documents is still widespread in the region. This practice intensified during the Covid-19 pandemic, when certain public procurements in the region were assessed as unavailable, i.e. a decision was made to treat them as a secret.<sup>43</sup> The situation is similar with the procurement of medical equipment and vaccines in Bosnia and Herzegovina. Insistence on the confidentiality of data relating to procurement contracts at the time of the pandemic continues despite the fact that several lawsuits are pending (the most famous case is the one called "Respirator") which is precisely the result of non-transparent conduct in the crisis.

#### 4.1.2. Transparency in decision-making still at a low level

Full transparency of decisions made by the President and members of the Government at sessions remains one of the key issues in the countries of the region. The public still does not have full insight into all the materials discussed at the sessions, and there is still no practice of publishing transcripts from government sessions. Governments generally inform the public about key decisions and conclusions from sessions through press releases, which cannot be considered sufficient to understand and control the policies decided by the government.

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<sup>43</sup> From the moment the state of emergency was declared in the Republic of Serbia, the Government issued a Conclusion determining the secrecy of data relating to the procurement of medical devices during a pandemic. This conclusion marked the documents on the spending of public funds for the procurement of medical equipment as "strictly confidential", and it also enabled the implementation of procurement without the application of the Law on Public Procurement. Data on the individual price or total amount spent on medical equipment during the Covid-19 crisis have not been publicly available to date, and the Conclusion governing the issue itself has never been available to the public.

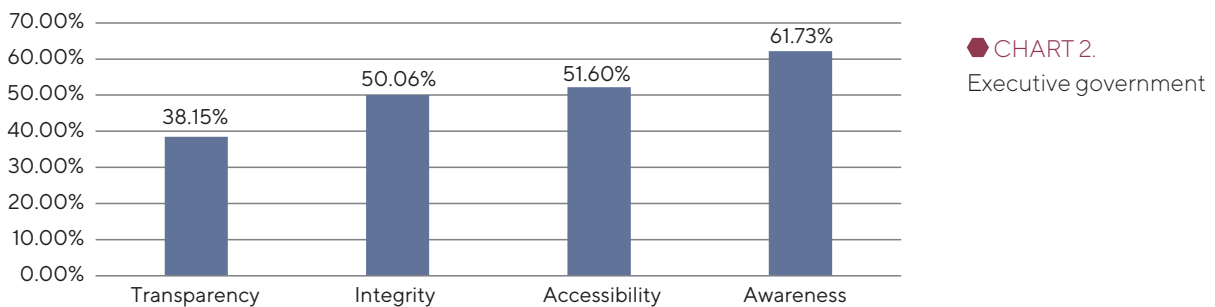
### 4.1.3. Obstructed access to information, noticeable lack of interest in consistent public hearings and consultations

Institutions still arbitrarily determine the extent to which the Law on Free Access to Information will be implemented. Despite the legal obligation, there are a number of authorities that do not make the requested information available. Thus, every fourth authority in the region did not provide us with a response to the request for free access to information. 74% of them submitted data within the legal deadline, and 2% outside the legal deadline.

Executive institutions continue to make insufficient efforts to stimulate citizens and the interested public to participate in public hearings and consultations. In this section, we note the problems with the publication of information that is necessary for this procedure to be adequately conducted, primarily calls for public hearings, RIA reports and, finally, reports after the hearings.

The executive still largely does not recognize the importance of social networks for establishing communication with citizens. Almost half of the executive institutions in the region still do not have their Facebook account, and 72.57% do not use Twitter.

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



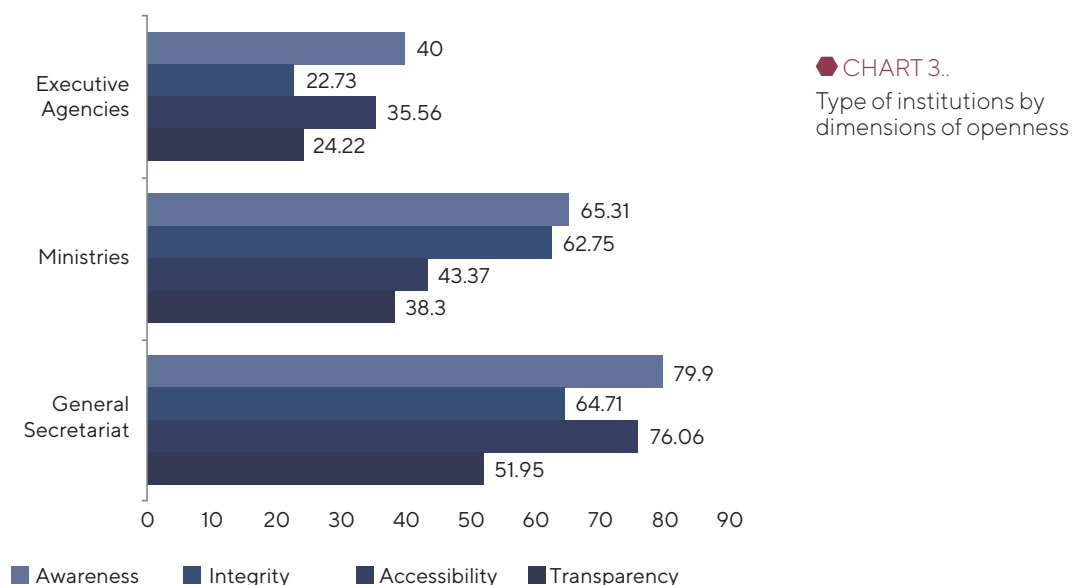
The legislative as well as the policy frameworks that shape the domain of government-citizen interaction and vice-versa really do put the citizen and the communities in a cardinal position – emphasizing the commitment to be accountable to the citizens and engage them in policy making as closely as possible. 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>44</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 (FOI Law)<sup>45</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

44 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>

45 Official Gazette of the Republic of North Macedonia. Nr 101. 22 May 2019. Закон за слобoden пристап do информации od javen karakter [Law on Free Access to Information of Public Character]. Retrieved from: <https://bit.ly/2CVH4Qk>

accountable and transparent to the 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 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, independently of the Transparency Strategy.



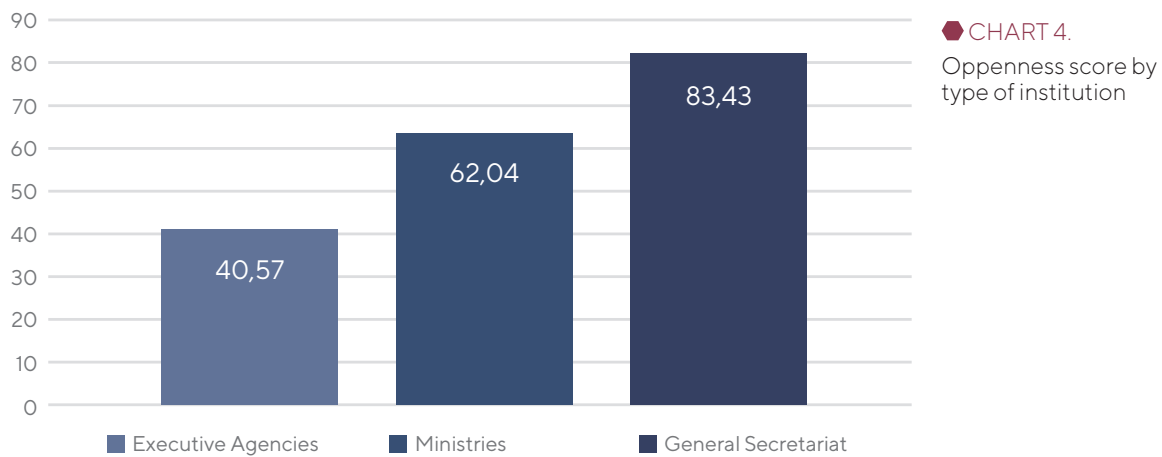
The legal framework for combating corruption and promoting a culture of integrity is also in place, which was enhanced with the recent amendments made to the respective laws, as is explained below. This framework consists of the Law on Prevention of Corruption and Conflict of Interest<sup>46</sup>, the Law on Lobbying<sup>47</sup> and the Law on the Protection of Whistle-blowers.<sup>48</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 62.01% with awareness reaching the highest score at 61.73% and transparency the lowest at 38.15%. This change is predominantly due to the significant increase in the number of answered questionnaires - since the indicators measuring awareness are predominantly verified via the questionnaire.

46 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>

47 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/2OPdqiC>

48 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>



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 also assessed on the quality of the legal framework, as a central unit of coordination and quality control of the government, more frequently than the ministries and the executive agencies. 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 accesses 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 Ministry of Political Systems and Inter-Community Relations (established in April 2019) did not have a website for a long period of time after their creation. Furthermore, their website still lacks (consistent) information in Macedonian – as most of the content is published in Albanian language. While the websites of 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, 26 have their own websites, three have a dedicated section on the websites of their respective ministries, while four 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.

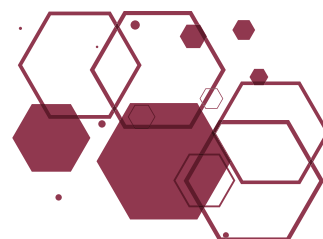
Additionally, the website of the General Secretariat is evaluated positively for having a central policy on transparency and for publishing the framework of laws and bylaws that define its scope of work. Since October 2017 the transparency policy of the Government of North Macedonia was led by the '21 documents policy'<sup>49</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 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 (except the Ministry of Culture) are assessed positively for the frequency of updating their websites, while **the Ministry of Local Self-Government stand out as negative examples for its non-functional search engines – which persists since the last monitoring round.** The number of official websites among the executive agencies with functioning search engines is 20 out of the 26 agencies that actually have a website (from the sample of 33 institutions that were observed).

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23.5% of the  
observed executive  
agencies do not  
have their own  
websites or a  
webpage on the site  
of their respective  
authority.

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49 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>

All ministries, as well as the majority of executive agencies, publish the CVs of their directors (13) as well as organizational charts (25), however, significantly fewer institutions publish structured reports and information about their work. 87.5% of the ministries and 100% of the executive agencies that have websites publish information about the scope of work of the respective institutions. Information about the salaries of public officials are lacking in 14 ministries and 32 executive agencies (from our sample of executive agencies, only the Secretariat for European Affairs publishes them), as are updated contact details of civil servants – lacking in three ministries and 11 executive agencies. In comparison to the previous measurement, there is a general observation that institutions have improved their enforcement of the ‘21 documents policy.’

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, 75% of the ministries (Ministry of Finance, Ministry of Local Self-Government Unit as well as Ministry of Justice are the absolute champions of this indicator having published work plans for three consecutive years) and 26% of the executive agencies publish annual work programs while, similarly, 40% of the ministries and 26% of the executive agencies publish annual reports for the implementation of these programs. However, quarterly or semi-annual reports are rarely published: among the ministries, the Ministry of Finance and the Ministry of Defense publish more frequent reports; while among the executive agencies 18% of them stand out as a good example.

#### 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>50</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. 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.

As for the ministries, **the Ministry of Political System and Inter-Community Relations 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, 31.5% of the ministries publish periodical reports as well as final accounts of their spending. The executive agencies have improved their score significantly in this subdomain as 69% of them regularly publish annual financial plans and only 60% of them are presented in an understandable manner. As for reporting, 12% publish on their websites periodical financial reports and 54.5% publish their final accounts.

#### 4.2.1.3. Public procurement

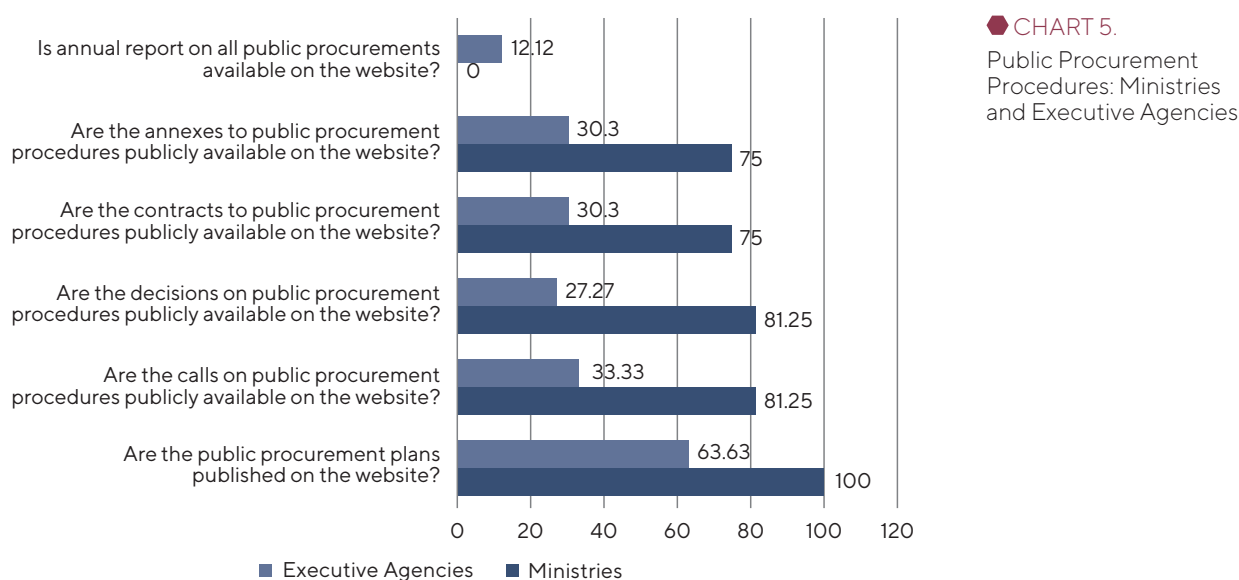
The General Secretariat meets 11 out of 13 of the indicators under this subdomain, with the weaknesses mainly found in the assessment of the legal provisions against best international practices. The General

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<sup>50</sup> Accountability Tool for the Expenditures of Officials. Retrieved from: <https://vlada.mk/node/18865?ln=en-gb>

Secretariat is evaluated positively for publishing plans, calls, decisions, contracts and annexes of public procurement on its website. 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>51</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>52</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. There is an overall improvement of performance of both, ministries and executive agencies, with the exception of the publication of annual reports. At both levels there is a decrease in the number of institutions that publish public procurement annual reports. Although this is not a legal obligation, it is a good international practice that institutions should consider adopting. Also, comparatively ministries perform better than executive agencies in terms of openness regarding their public procurement procedures.



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

52 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>

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

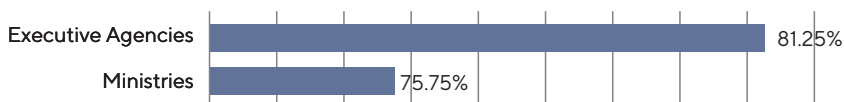
Accessibility assesses the degree at which the right to information is guaranteed by law and by practice, as well as the quality of the mechanisms for engagement and consultation in policy-making processes.

### 4.2.2.1. Access to information

Accessibility is the second strongest pillar according to the overall scores of the institutions of the executive government with 51.06% 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.

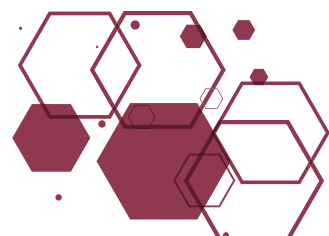
The Macedonian Law on Free Access to Information of Public Character is ranked 23rd out of 129 countries observed by the Global Right to Information Rating.<sup>53</sup> As such, it provides for a solid ground to guarantee and protect the right to information, both proactively and reactively, which is 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 website the information for which access has been granted via FOI. Only five monitored ministries and 8 executive agencies publish the answered requests for FOI.

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 90% of the observed institutions have official Facebook profiles and 24% of them have official Twitter profiles.  
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● CHART 6.  
 FOI request responses

To assess the responsiveness of the targeted institutions, Metamorphosis sent out requests for access to information to all 50 of them and 78% responded on time. Among the institutions that did not respond to our FOI request are three ministries (Ministry of Health, Ministry of Agriculture and



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

Ministry of Political Systems and Inter-Community Relations) and eight executive agencies. Although the overall rating of the executive agencies in the Openness Index is lower than that of the ministries, there were no substantial differences in the response rate between both levels of institutions.

All of the ministries (93.75%) except the Ministry of Political Systems and Inter-Community Relations 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. Compared to last year when 66.6% of the ministries reported to not have had their staff trained for FOI, this year there is a significant improvement in this regard and the number of ministries that have had their staff trained for FOI is 11 (68.75%).

As for the executive agencies, there is a visible increase in the number of executive agencies that have a separate section on their website for FOI (from 39% last year to 75.75% in 2020) and the same number of institutions have an updated list of information of public character on their website. A low number of trained staff for FOI is evident among the executive agencies with only one institution (3%) reporting to have attended trainings on FOI.

#### 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.

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. 45 of the monitored institutions have official Facebook accounts and 12 of them have Twitter profiles. 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, 43.75% of the ministries and 51.51% 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, 791 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, 68.75% of the ministries and 3% 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>54</sup> and a number of other bylaws, as are the Regulatory Impact Assessment Methodology (2013)<sup>55</sup>, the Codex of Good Practices for the Participation of Civil Society in the Policy Making Processes<sup>56</sup> and the Rulebook for the Organization of Public Consultations Upon Initiation of Legislation Process.<sup>57</sup>

According to the annual report for the implementation of the RIA, out of the 134 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), 121 or 90.29% have been processed with the RIA procedure. However, the misuse of the classification of regulations under shortened or urgent procedure, is still common.

Due to the existence of a central platform as ENRR, all ministries are assessed positively for providing the option of conducting consultations online via ENRR. The Ministry of Political System and Inter-Community Relations does not show to have conducted any consultations in the given year. 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 (56.25%) as well as most or all of the RIA reports (50%), 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>58</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,

54 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>

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

56 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>

57 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>

58 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>

emphasizes that there is a major lag with the budgetary impact assessments which are either missing or are not comprehensive.<sup>59</sup>

Generally, 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. 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. Building up on these developments, in 2020 the national Open Government Partnership Platform was developed with the support of USAID's Civic Engagement Project. This platform allows the Council, the Network of CSOs, as well as institutions and the general public, to engage directly in the public consultation process and in monitoring directly the degree of implementation of all the OGP commitments. It also allows the general public to pose questions and comments referring to concrete measures of the Action Plan – and as such it also serves as a valuable tool for public participation and citizen interaction.

#### 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>60</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>61</sup>

59 North Macedonia 2020 Report. European Commission. 6 October 2020. Retrieved from: <https://bit.ly/3i61AzM>

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

61 North Macedonia 2020 Report. European Commission. 6 October 2020. Retrieved from: <https://bit.ly/3i61AzM>

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, 81.25% of the ministries and 39.4% of the executive agencies 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 Strategy (2018–2022)<sup>62</sup>, Instructions on the Means, Content and Structure of Preparing Strategic Plans of the Ministries and Other Bodies of the State Government<sup>63</sup>, the Rulebook on the Role of the General Secretariat in the Policy Making and Monitoring Process<sup>64</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 – and this is highlighted by several international reports.<sup>65</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>66</sup> The legal framework for preventing and combatting corruption consists of the Law on Prevention of Corruption and Conflict of Interest<sup>67</sup>,

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

63 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>

64 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>

65 Government at a Glance. Organization for Economic Development and Cooperation. 7 July 2020. Retrieved from: <https://bit.ly/2ZM0AYh>; North Macedonia 2020 Report. European Commission. 6 October 2020. Retrieved from: <https://bit.ly/3i61AzM>

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

67 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>



the Law on Lobbying<sup>68</sup> and the Law on the Protection of Whistle-blowers.<sup>69</sup> It is generally assessed as a sound legal framework on paper with questionable implementation, given its selective application and the frequent changes that it has undergone.<sup>70</sup> The General Secretariat reports to have held trainings for its staff on the protection of whistleblowers during 2020, 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>71</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>72</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>73</sup>

At the level of ministries, 13 of them have information about protection of whistleblowers and prevention of conflict of interests on their websites, and 14 report to have held training on the same topic during 2020 and **only the Ministry of Local Self-Governance has an institutional integrity/anti-corruption policy**. At the level of executive agencies, the situation is more worrisome. **60.6% of executive agencies have information on their websites about whistleblower protection** and three institutions (9.1%) report to have held trainings on whistleblowing or conflict of interest for their staff in 2020. Only five executive agencies report to have **internal integrity/anticorruption policies**.

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.

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68 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/2OPdqic>

69 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/3QCBSZG>

70 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>

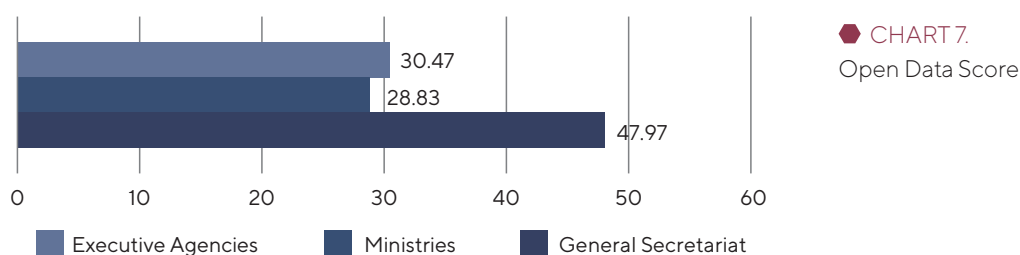
71 Code of Ethical Behavior for the Members of the Government and Public Officials. Republic of North Macedonia. Retrieved from: <https://vlada.mk/kodeks>

72 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>

73 Ibid.

### 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.<sup>74</sup> 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>75</sup> as well as a Rulebook for Open Data and a newly updated Portal of Open Data<sup>76</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. In the framework of USAID's Civic Engagement Project, Metamorphosis Foundation trained 122 civil servants on open data in 2020 alone. From the sample of institutions monitored with our research 14 ministries and one executive agency report to have attended open data trainings in 2020. To date, the Open Data Portal contains 273 datasets published by 57 entities, most of them by executive level institutions or agencies. Metamorphosis Foundation has also coached institutions into opening up their data sets and through this support 30 data sets were developed by five central level institutions.



This research observes the format in which the General Secretariat publishes 43 documents. 35 of these documents are available on its websites, of which 8 are in a machine readable format, two are electronically searchable and 25 are published as pictures or scanned documents and, therefore, unsearchable. At the level of ministries, we observed the publication of 30 documents. The ministries with most of these documents are the Ministry of Defense (24), Ministry of Finance (22) and the Ministry of Information Society and Administration (22). Most of these documents are, however, published in electronically unsearchable format. The champions with most machine readable documents are the Ministry of Finance (5), the Ministry of Justice (4) and the Ministry of Information Society and Administration (4).

### 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

74 Government at a Glance. Organization for Economic Development and Cooperation. 7 July 2020. Retrieved from: <https://bit.ly/2ZM0AYh>

75 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>

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

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 important 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. Consequently, websites need to take a central position in all openness policies of institutions aiming to improve the availability as well as the quality of information and data. At the same time, it is overdue that all executive agencies create their own online space (either independent websites or a dedicated page on the website of their line ministries) 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.

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

##### Transparency

- 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>77</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.

### Awareness

<sup>77</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>

- 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

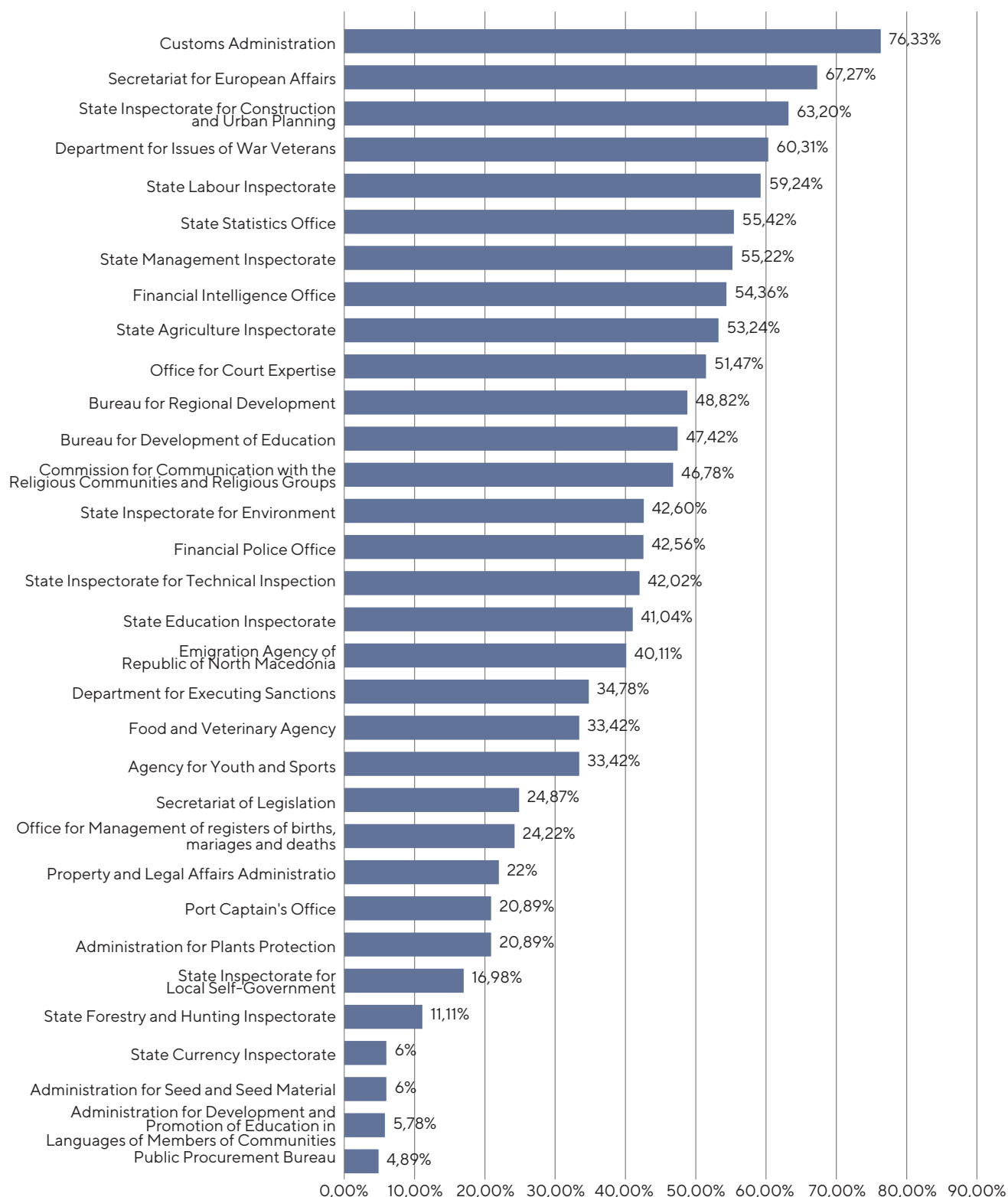
In continuation, for a better comparison, one may find the titles and links to previous policy papers and roadmaps on good governance for state institutions in the Republic of North Macedonia and the region, created through the Openness Index research.

- 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>
- Assessment of Good Governance in North Macedonia and the region through the Openness Index – Parliament and the Executive Government (Based on the measuring for 2019), July, 2020: <https://cutt.ly/bQNGOMO>

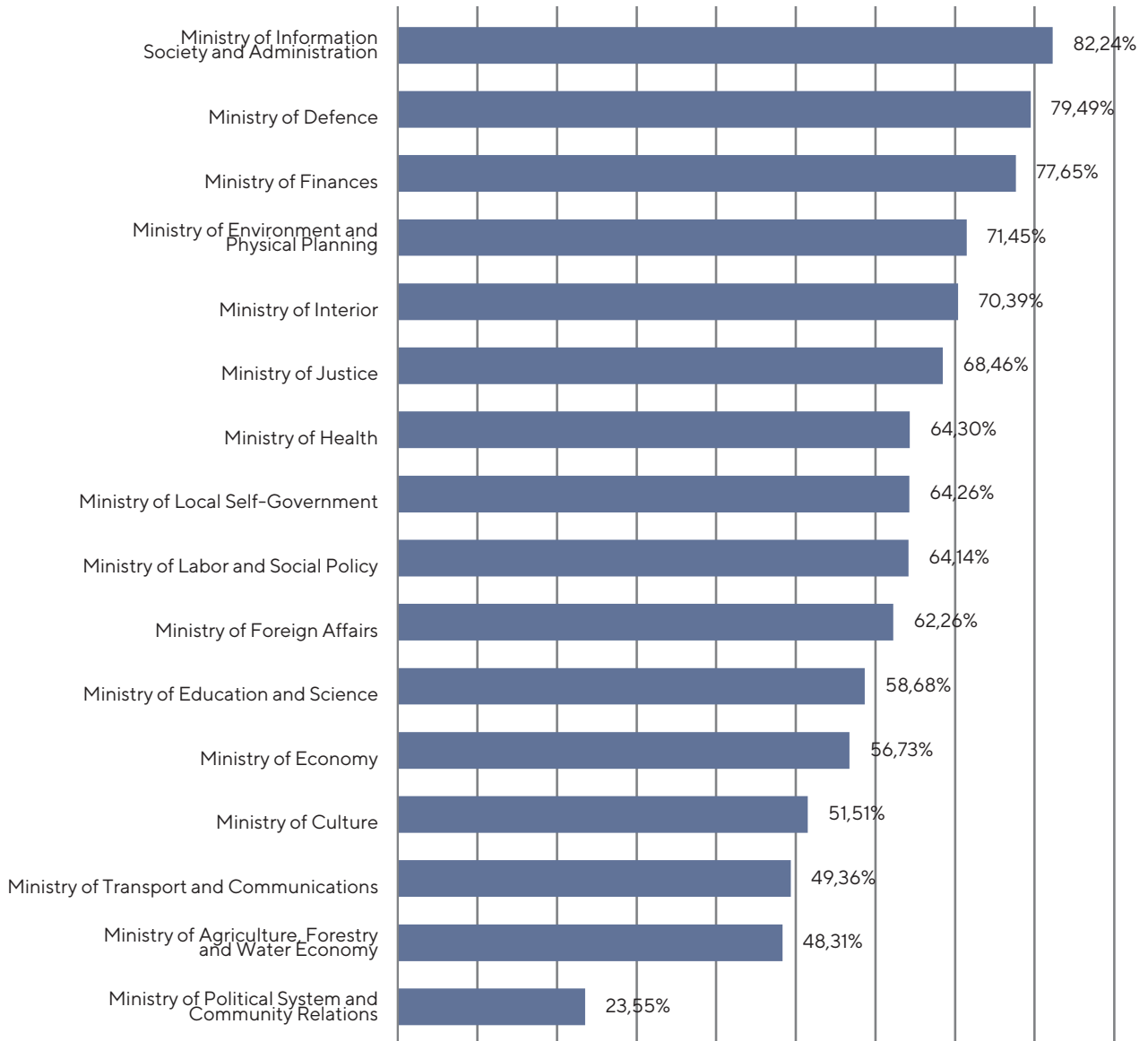
# ANNEX I:

## OVERALL SCORE OF INDIVIDUAL MINISTRIES AND EXECUTIVE AGENCIES

### Openness Score



Openness Score





**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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