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

PARLIAMENT AND THE EXECUTIVE GOVERNMENT

Metamorphosis Foundation

2022

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

PARLIAMENT AND THE EXECUTIVE GOVERNMENT
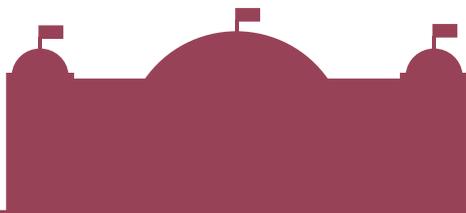
Metamorphosis Foundation

CONTENTS

ABBREVIATIONS

ACTION SEE – Accountability, Technology and Institutional Openness Network in South East Europe

UNERR – Unique National Electronic Registry of Regulations

FAI – Free Access to Public Information

BiH – Bosnia and Herzegovina

CSO – Civil Society Organization

CV – Curriculum vitae/Short biography

EU – European Union

FBiH – Federation of Bosnia and Herzegovina

FAPI Law – Law on Free Access to Public Information

GRECO – The Group of States against Corruption

IRM – International Reporting Mechanism

IPPG – Inter-party parliamentary group

NATO – North Atlantic Treaty Organization/North Atlantic Alliance

OGP – Open Government Partnership

OECD – Organization for Economic Cooperation and Development

OSCE/ODIHR – Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights

RIA –Regulatory Impact Assessment

TAIEX – Technical Assistance and Information Exchange instrument of the European Commission

With the support of USAID's Civic Engagement Project, 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)[1] – 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 countries – North Macedonia, Serbia, Montenegro and Bosnia and Herzegovina. The assessment is the result of a comprehensive empirical research based on the Openness Index[2], 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 Assembly 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 for the progress of the countries in the region towards improving good governance and the rule of law that leads them toward their strategic goal - EU membership.

This paper is enriched with practical recommendations as to how the executive government and the Assembly in North Macedonia can improve their compliance with 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.

---

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 for using technology in democracy promotion work.

2   The Openness Index consists of four different components – (1) transparency, (2) accessibility, (3) integrity and (4) efficiency each measuring the openness of a different branch of governance: local government, central government, judiciary and Parliament.
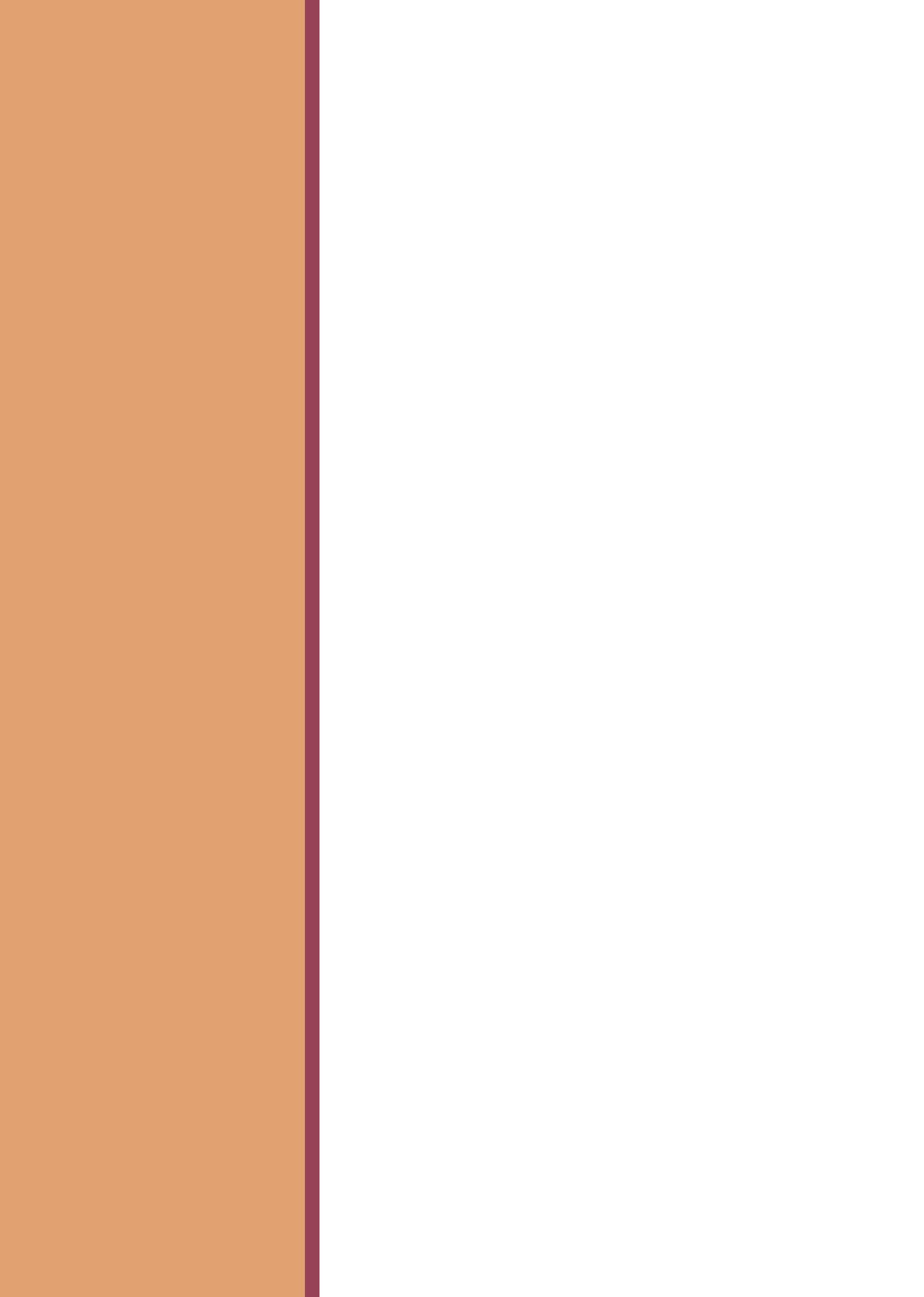
1. INTRODUCTION

The European Commission in the Report on North Macedonia for 2021 concluded that the Republic of North Macedonia continued its efforts to strengthen democracy and the rule of law, along with the activation of the existing mechanisms of "control and balance" and through the accessibility to key political and legislative issues. In essence, the institutions have demonstrated their commitment to achieve results in key areas of the cluster "Fundamentals", including through the agenda "Europe at Home" and "Action 21" for fight against corruption.[3] However, despite the fact that in its Enlargement Strategy, the Commission again recommends start of the negotiations - adoption of the negotiation framework and holding of the first intergovernmental conference for North Macedonia and Albania by the end of 2021 - claiming that the delay has a negative impact on the credibility of the EU, still, the accession process of North Macedonia is "trapped" by the blockade set by the Republic of Bulgaria. In response to the deadlock in the accession negotiations, the country focused on increased regional cooperation through the "Open Balkan" initiative.

In January 2022, the new Government was elected in the Republic of North Macedonia, which committed itself "to be guided by the fundamental and advanced principles of good governance, that is, responsibility, efficiency, accountability, honest work, inclusiveness and availability.[4] The characteristic that should be observed in the composition of the new government is the election of the deputy prime minister in charge of good governance policies, which is foreseen in order to "make the creation and implementation of good governance policies an imperative, aimed at ensuring professionalism , efficiency and transparency in the society[5].

This paper analyzes the openness of the institutions of the central government in North Macedonia and the Assembly of the Republic of North Macedonia in 2021. Considering that openness is a key requirement for democracy, as it allows the citizens to obtain the required information and knowledge for equal participation in political life, efficient decision-making and accountability of the institutions for the policies they implement, in this paper, based on the analysis of the situation, recommendations are provided to the institutions on how to improve their performance.

The analysis and recommendations presented here will be used as the basis for the advocacy activities that the Metamorphosis Foundation will undertake in order to promote the principles of good governance of the institutions. The research is repeated on an annual basis and allows us to compare the degree of action according to the previously given recommendations. The information and data on the results, individually and comparatively, by institutions in North Macedonia and the countries of the region, are available on the website https://index.actionsee.org/.

---

3   Report on North Macedonia for 2021 of the European Commission. Secretariat for European Affairs. Downloaded from: https://cutt.ly/SKKZ18g.

4   Work program of the Government of the Republic of North Macedonia for the period 2022-2024. Government of the Republic of North Macedonia. Downloaded from: https://cutt.ly/WKKSjQK.

5   Ibid.
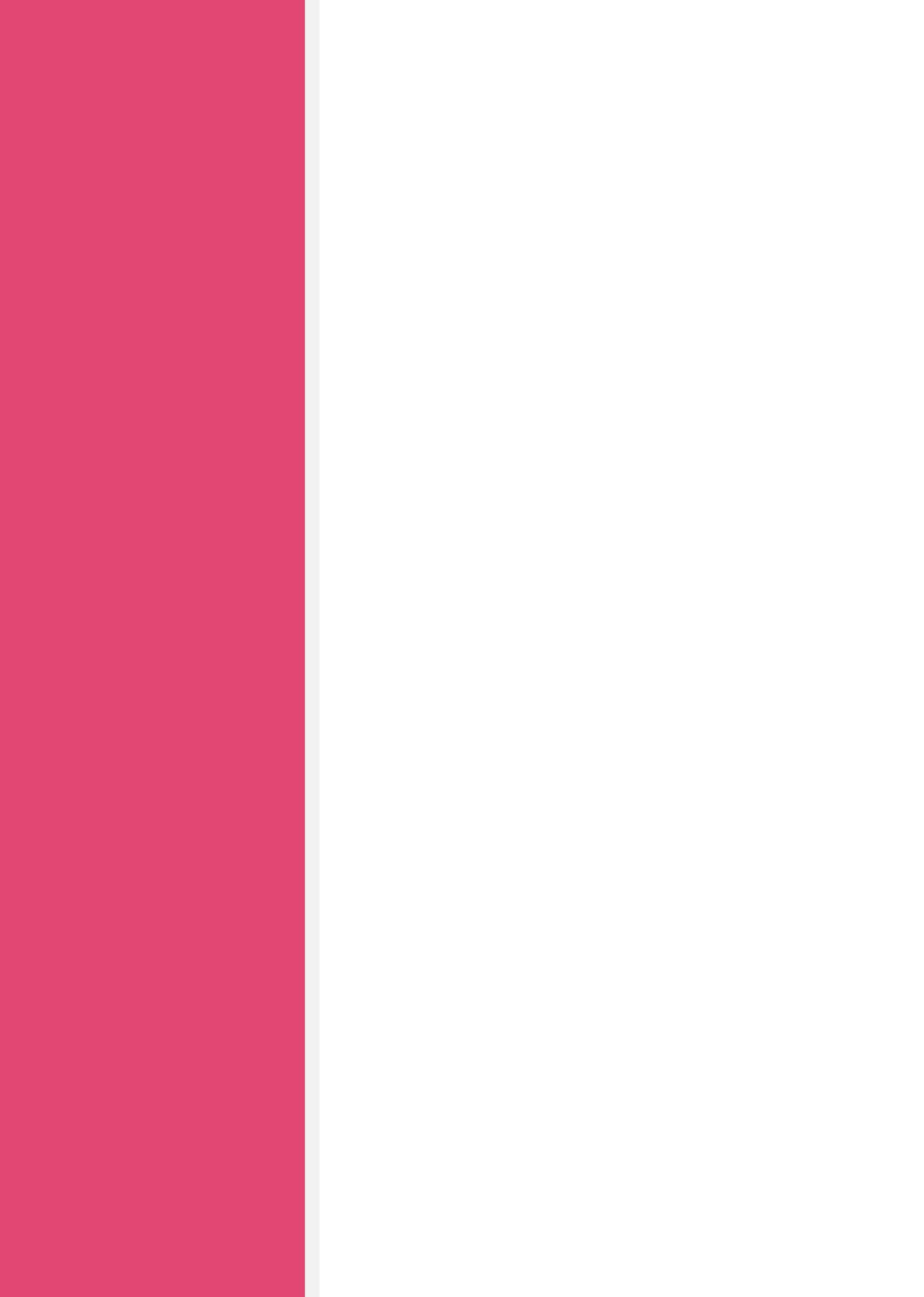
2. METHODOLOGY

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 its intended purpose and the components it focuses on. A widely accepted interpretation is that this term refers to a government system which produces results that meet the needs of the society by making the best use of the available resources.

This definition corresponds with the standards applied in the western liberal democracies that developing countries, such 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 guarantees 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) efficiency, (3) integrity, and (4) transparency with a cross-cutting domain that is present throughout all four pillars – open data.

The four pillars of the Openness Index define and assess good governance with the following principles: **accessibility** - it assesses the degree to which the right to information access is guaranteed by law and in practice, as well as the quality of the mechanisms for engagement and consultation in policy-making processes; efficiency – it reviews 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** - it 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 the public administration. Each pillar of the index consists of subdomains and indicators weighted according to the adequate value within the pillars.

The methodology was developed by consulting numerous credible resources, emphasizing the best international practices and standards of good governance, such as the World Bank and the Institute, the Organization for Economic Co-operation and Development, the

Open Government Guide, the Global Integrity Report, and the Indicators of Governance and Institutional Quality developed by the World Bank.

The research was carried out in the period between January 2022 and March 2022. The sample of targeted institutions consists of 51 institutions in total, including the Government/General Secretariat, 16 ministries and 33 randomly-selected executive bodies within the ministries, 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 in order to confirm the observations of the online monitoring, (3) a sent request for access to public information with the intention to assess the level of compliance of this fundamental right 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 of the key critical points and problems in the field of openness of the institutions that we hope will be used for improving their work.

It is important to note that in cases when the institutions failed to deliver their answered questionnaires, the indicators thereof were marked with 0, as indicators that were not fulfilled. Namely, out of the 50 targeted institutions of the executive government, 30 (60%) answered the questionnaire, while the remaining 20 (40%) are automatically scored 0 in the respective indicators. Of the institutions that did not answer the questionnaire, 4 were ministries (Ministry of Culture, Ministry of Health, Ministry of Transport and Communications) and 16 were executive bodies. The Assembly of the Republic of North Macedonia answered the questionnaire.

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

3.1. OPENNESS OF THE PARLIAMENTS IN THE REGION

Last year was marked by various political situations that reflected on the work of the legislative bodies in the region. The parliaments in the region, in general, did not work on the strategic documents and policies that would contribute to their openness, and most of the time they were facing blockades, crises or activities that did not aim at greater democratization of the society. This is evidenced by the findings of our research, which show that legislative institutions, although open to a certain extent, have taken only a few steps to improve their openness. Hence, there are still observable situations such as insufficiently open sessions of the commissions, insufficiently developed anti-corruption practices that have been partially improved or have not been improved by the governments at all, as well as the presence of insufficiently implemented control mechanisms. Before providing detailed information on these issues, we will provide an overview of the situations in the legislative institutions in the region in order to better understand the context in which these institutions have worked in the past year.

Slow operation and blockades of the legislative institutions in Bosnia and Herzegovina

The Parliamentary Assembly of Bosnia and Herzegovina in 2021 continued with exceptionally weak parliamentary activities, and this year it recorded a much worse result compared to the previous reporting period. The House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina held only 12 sessions, while the House of Peoples held only 8 sessions, 2 of which were urgent. The reason for the weak parliamentary activity at this level of government was the decision of the members of parliament of Republika Srpska not to attend the sessions of the Parliamentary Assembly of Bosnia and Herzegovina, after the amendments to the Criminal Code of Bosnia and Herzegovina by the Office of the High Representative. Namely, the High Representative Valentin Incko used his power to introduce amendments to the country's criminal code in order to ban genocide denial and glorification of war criminals. Incko imposed the changes within the so-called "Bonn powers", which allow the high representative to overcome the obstruction of the legislation by the Bosnian politicians, if this is vital to keep the peace. The legal changes were rejected by the political leaders in Republika Srpska and they requested abolition of the high representative's position.

The National Assembly of Republika Srpska held 6 regular and 9 special sessions at which 48 legal resolutions were adopted. After the high representative adopted the amendments to the Criminal Code of Bosnia and Herzegovina, this legislative body passed the Law on Non-application of the High Representative's Decision to adopt the Law on Amendment to the Criminal Code of Bosnia and Herzegovina, as well as the Law on Amendment to the Criminal Law of Republika Srpska. The amendment to the Law defines "Offence to the reputation of the Republika Srpska entity and its peoples", and as stated in the added article of the Code, "if Republika Srpska is marked as an aggressor or genocidal creation or its people as aggressor or genocidal, the perpetrator shall be punished by imprisonment for a term between six months and five years." In December, the National Assembly of Republika Srpska adopted the information on "transfer of competences from Bosnia and Herzegovina to the level of Republika Srpska" in the field of indirect taxation, justice, defense and security, and earlier in October, it adopted the Law on Medicines and Medical Devices, which provides for the establishment of the entity Agency for Medicines. Since 2009, this agency has been operating at the national level.

The Parliament of the Federation of Bosnia and Herzegovina was not more active compared to 2020, and the parliamentary majority in this body has not functioned properly since the 2018 elections, whereupon the Government of the Federation of Bosnia and Herzegovina was not formed and is operating in a technical mandate. The biggest reason for the lack of increased operational dynamics at this level of government is the failure to reach an agreement regarding the amendments to the Election Law of Bosnia and Herzegovina, which was practically conditioned by the Croatian Democratic Community in Bosnia and Herzegovina to form a new government after the general elections in 2018. In 2021, the House of Representatives of this legislative body held 10 regular and 2 special sessions. The House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina met 15 times and held 9 sessions.

Modernization of communication channels, however the adoption of laws in an emergency procedure remains a problem in the Assembly of the Republic of North Macedonia

Elected through a proportional electoral system with party lists in the electoral units, in the period from 2020 to 2024, the Assembly consists of 120 members of parliament, of different ethnicity and gender. According to the latest composition, the number of female members of parliament (47 out of 120, i.e., 39%) reduced for one member compared to the previous legislative body. The number of MPs from non-majority communities is the highest so far (42, i.e., 35%).[6]

Same as the previous year, the Assembly continued with a high level of administrative transparency, second only after the Parliament of Montenegro. In 2021, the operation of the Assembly was hampered by political polarization compounded by COVID-19, which sometimes affected the usual functions. In the first year of the pandemic, 2020, the MPs spent 45 working days in plenary sessions, and 77 days in 2021. The Assembly debated on 376 draft laws and adopted 213, of which 81 in an emergency procedure. However, some key

---

6   Report on North Macedonia 2021. European Commission. Downloaded from: https://cutt.ly/iKXleMi

laws, including draft laws proposed as part of the current Judicial Sector Reform Strategy, are stuck in parliamentary procedure, without political support and consensus. The European Commission has called for great care to be taken when using fast-track procedures that should be limited to ensure effective control and consultations of the legislation.[7] The working bodies of the Assembly organized 7 public hearings, however a supervisory hearing was not held in 2021. Thus, the supervisory function of the Assembly was useless and was applied only through 8 sessions which were focused on parliamentary matters.

The Assembly also adopted its second Action Plan on Open Government Partnership (OGP) 2021 – 2023 and for the first time it joined as a member of the Council for Coordination and Monitoring of the OGP 2021 – 2023 Action Plan. The Council is a multi-stakeholder body composed of 16 members, equally represented by civil society organizations and institutions.

During the preparation of this policy document, in 2022, the Assembly updated and modernized the website, which facilitated access to information owned by the Assembly, and thus contributed to making their work more transparent. This step is intended to provide a better browsing experience for the citizens, and opportunities for broadcasting on the new parliamentary channel, where the Assembly intends to offer debate shows and its own production. As it was publicly stated, the strategic goals of the Assembly also include the implementation of monitoring software that allows to monitor the progress of the procedure for passing a law that has entered into a legislative procedure through the parliamentary website, so that every entity would know the status of the law, where they should advocate and lobby, and before whom.

Political crisis and blockade of the Parliament of Montenegro

The Parliament of Montenegro traditionally achieves a high level of administrative transparency. The European Commission also concluded this in its latest report, emphasizing that transparency and communication with the public have improved. The Parliament of Montenegro has established positive practices such as broadcasting sessions on a special parliamentary TV channel, and electronic petitions were also established last year. However, during the previous year, the Parliament failed to strengthen the transparency and inclusiveness of the legislative process. The political crisis did not help either, which at one point led to boycott of the operation of this institution by the biggest opposition party and the ruling party, which is an unprecedented event. At one point, almost the entire Parliament did not support the Government, which later led to a vote of no confidence in the Government of Zdravko Krivokapic. After a three-month crisis, when the work of the Parliament was completely blocked, in April 2022 a new Government and President of the Parliament were elected.

The key problems in this period of the Parliament's functioning are related to the lack of a Law on Parliament, which is why we witnessed the extremely creative situations in which the Parliament is powerless in its controlling role and in which the individual blocks the work of the Parliament.

7   Ibid.

The lack of political will to pass the Law on Parliament and the Law on Government led to significant deviations and it slowed down the development of relations between key democratic institutions. It is also a significant obstacle to establish a balance between the executive and legislative power, as proclaimed by the Constitution of Montenegro.[8]

The one-party Assembly adopted a new Constitution

The twelfth convocation of the National Assembly was constituted in October 2020, and the president of the country (also the leader of the coalition that has as many as 97 percent of the members of parliament in the assembly), in his address after the constitution of the Assembly, announced that this process will last approximately a year and a half. This announcement turned out to be true, since the general elections were held on April 3, 2022, and the current composition has been active for less than two years. "The almost one-party assembly is a result of the boycott of the parliamentary elections by the opposition parties. In order to overcome the political crisis caused by this situation, two inter-party dialogues were held in parallel under the auspices of the President of the Assembly, one with representatives of the opposition who agreed to better negotiate the election conditions with the authorities, and the other with the opposition parties seeking EU mediation. During the autumn session, both processes were completed with an agreement between the participants and the adoption before the end of December 2021, of the first amendments to the laws regulating the operation of the media, as a consequence of these agreements.[9]

In 2021, the process of amending the Constitution took place, after several years of delay. The impression is that, although the procedures for amending the highest state act are formally complied with, the quality of the adopted decisions will not significantly affect the improvement of the independence of the judiciary, which were the main reasons for amending this act.

"The process of amending the Constitution in the part that refers to the independence of the judiciary, after several years of delay, began at the spring session and resulted in the express adoption of the Law Amending the Constitution after only six months. The work group established by the Commission for Constitutional Issues and Legislation, whose members included individual representatives of professional associations, had a deadline of two months to prepare the Law Amending the Constitution. The proposal was presented to the public at the beginning of September, at four public hearings organized by the Assembly, hereupon the Assembly adopted it, on the last day of November. That same day, the President of the Assembly announced a referendum on the confirmation of this Law, which was held on January 16, 2022. A period of a month and a half was left for the public become familiar with the meaning of the amendments to the Constitution and the changes in the judiciary.[10]

8   The Laws on Parliament and Government are a prerequisite for creating a democratic system. Center for Democratic Transitions. Downloaded from https://cutt.ly/BKXzcRP.

9   Bulletin "The Assembly Under Scrutiny"/17th edition, September – December 2021. CRTA. Downloaded from: https://cutt.ly/FKXbAdu.

10 Ibid.

In addition, at the autumn session of the National Assembly, a new Law on Referendum and People's Initiative was adopted, according to which, among other things, the referendum threshold was abolished, which in practice implies that it no longer matters how many registered voters will go to the referendum to decide on something important for all citizens. The adoption of the law was followed by protests of the environmental movements that claimed that this is one of the two laws that paved the way for the international company "Rio Tinto" to open a lithium mine in western Serbia.[11] After several deadlocks, the controversial provisions were deleted from the draft law.

The second controversial law, which sparked protests by environmental movements, and its amendments were in a parliamentary procedure in the autumn session of 2021 – the Law Amending and Supplementing the Law on Expropriation – was withdrawn from the procedure by the Government after the President refused to sign it, although he does not have the legal authority to do so.

Regarding the laws that improve the transparency and openness of the institutions, amendments to the Law on Free Access to Information of Public Importance were adopted in November 2021, more than five years after the establishment of the first working group to amend the law. According to the information from the media, the organizations that participated in the public consultation process believe that the adopted text only partially solved the problems that were observed in the implementation of the Law on Free Access to Information of Public Importance.[12] The main remarks are that the adopted solutions do not adequately solve the problem of non-execution of the Commissioner's decisions, as well as that the amendments do not sufficiently address the need for greater proactive transparency of the state authorities.

Openness of the legislative power in the region

The parliaments from the region, on average, fulfil 62% of the openness criteria. First-ranked is the Parliament of Montenegro, which fulfills 85.45% of the openness criteria, then the Parliament of North Macedonia with 71.89%, followed by the Parliamentary Assembly of Bosnia and Herzegovina with 61.22% (House of Representatives 61.71%, House of Peoples 60.74%) and the National Assembly of Serbia with 51.9% openness.

The National Assembly of Republika Srpska fulfills 42.28%, the Parliament of the Federation of Bosnia and Herzegovina 33.27% (the House of Representatives 26.61%, the House of Peoples 39.93%), while the Assembly of the Autonomous Province of Vojvodina fulfills 29.1% of the openness indicators.

This result is not satisfactory, considering that it is a matter of bodies that are directly elected and that have responsibilities towards the citizens. The weakest domains encountered by parliaments are awareness and accessibility, which deal with issues such as the impacts of existing and prepared legal acts, participation and reports from oversight

---

11 Serbia, the laws and the will of the people: Adopted amendments to the Law on Referendum and fulfilled requirement from the environmental protests. BBC News. Downloaded from: https://cutt.ly/KKXmhY4.

12 New Law on Free Access to Public Information; a missed opportunity to significantly improve the publicity of the operation of public institutions. Partners for democratic changes in Serbia. Downloaded from: https://cutt.ly/nKXmVwx.

activities (hearings), as well as guidelines for raising concerns, complaints and appeals that need to be available on the website, civic education programs, etc.

At the beginning of the research, which contains both a qualitative and a quantitative part, the researchers sent questionnaires to the institutions, as well as requests for free access to public information in order to investigate how the institutions are prepared to respond to these requests and how much time they would need. Thus, the following bodies responded to the request for free access to information: the Assembly of the Republic of North Macedonia, the Assembly of the Autonomous Province of Vojvodina, the Parliamentary Assembly of Bosnia and Herzegovina - both the House of Representatives and the House of Peoples - and the Parliament of the Federation of Bosnia and Herzegovina - the House of Representatives. The Parliament of the Federation of Bosnia and Herzegovina – the House of Peoples and the National Assembly of Republika Srpska – did not respond to the requests for free access to information at all, and the Parliament of Montenegro responded, however the response was not within the legal deadline. The questionnaire was answered by all institutions except the Parliament of the Federation of Bosnia and Herzegovina - the House of Representatives.

Parliaments have a key role in the democratic system and therefore should be the bearers of a process that will enable the citizens to more effectively monitor the operation of the institutions. However, same as the executive government, the highest legislative regional bodies do not have a strategic approach to the policy of openness. The requests for openness can be indirectly taken from the Constitution, the Rules of Procedure and other acts, and as such, they are subject to different interpretations and the mood of the parliamentary majority. The information about the parliamentary work belong to the public, and therefore it is necessary to constantly improve the existing level of the culture of parliamentary openness. A policy of openness should be developed by following information and communication trends, by using new technologies and publishing data in a machine-readable format. This is supported by data showing that regional parliaments are not committed to publishing their data in an open format, thereby the value of the published data is minimized.

The insufficient transparency of the sessions is still a problem

Our research shows that parliaments are generally not transparent when it comes to publishing data, both from plenary and committee sessions. Most parliaments do not publish voting lists and lists of MPs who attended the committee sessions. Moreover, although in most countries the plenary sessions are publicly broadcasted (through live broadcasting or other types of broadcasting), the committee sessions, their documents, voting, etc., are not transparent. Transcripts of plenary and committee meetings also imply information that is often not available on the institutions' websites.

Insufficiently developed communication with the citizens and an opportunity for their participation

The regional parliaments need to strengthen their representative function by establishing communication with the citizens and by involving them in the policy-making process. The parliaments should pay special attention to the development of electronic services. The parliaments should be accessible to the citizens, and apart from the possibility of establishing communication by phone or e-mail, it is necessary to initiate innovative channels for two-way communication with the citizens. More active use of existing communication mechanisms, especially social networks, is also required. The research showed that some of the parliaments do not have profiles on social networks or do not use them actively (especially the parliaments of Bosnia and Herzegovina).

The mechanism for electronic petitions has not been established in any regional country except in Montenegro, although this would enable the legislative body to involve more active citizens in the operation of this branch of government. We must also mention that lobbyists and lobbying activities have not been regulated in Bosnia and Herzegovina yet, although this is an important topic that needs to be addressed.

Ensuring transparency and strengthening anti-corruption practices

Regardless of the current legal framework, the parliaments should strive to increase their openness. The Open Government Partnership, whose participants include mostly excellent institutions, welcomes the involvement of other levels and types of institutions. In the region, when it comes to the legislative body, the Assembly of the Republic of North Macedonia is the only one involved in this initiative. The parliaments should also publish the full lists of employees, as well as the salaries of the officials, deputies and elected officials. Most parliaments in the region do not have active integrity plans published on their websites, and they do not have accompanying reports on their implementation.

The parliamentary control mechanism must be strengthened

The research showed that a series of mechanisms for parliamentary control over the executive government have been established in the countries of the region. Mechanisms such as supervisory activities (hearings) do not exist in practice, and their implementation is mostly of a formal nature. In practice, the visible effects of control are missing, and therefore there are rare examples that give specific results, related to the definition of responsibility and sanctions for representatives of the executive or other branches of government. All regional parliaments are obliged to make efforts to fully implement the existing mechanisms and therewith to contribute to increasing the levels of political responsibility.

3.2. OPENNESS OF THE ASSEMBLY IN THE REPUBLIC OF NORTH MACEDONIA

In 2021, the Assembly of North Macedonia worked in accordance with special protocols due to the Covid-19 pandemic, which were also applied in 2020. The Assembly continued to work in conditions of difficult coordination between the parliamentary groups, with the absence of will on the part of the opposition to amend the Rules of Procedure of the Assembly. The amendments to the Rules of Procedure, among other things, would enable the members of parliament to participate in the sessions and vote remotely, that is, without physical presence. Contrary to the views of some MPs, mostly from the opposition, over two-thirds of the citizens support online work of the Parliament, however 37% believed that only MPs who tested positive for Covid-19 or who have self-isolated, should work online.[13]

The Assembly was not in session during the election campaign for the local elections that were held in October 2021. The results of the local elections affected the work of the Assembly as well. The party with the ruling majority, the Social Democratic Union of Macedonia (SDSM), faced a big decline in the local elections[14], which was the reason for the Prime Minister at the time, Zoran Zaev, to announce his resignation from the position of Prime Minister of the Government. The resignation that was announced on October 31 was submitted to the Assembly almost two months later, on December 22, 2021, which enabled the attempts of the opposition to pass a vote of no confidence in the Government of the Prime Minister Zaev. The request for a vote of no confidence was submitted by 70 deputies, and at the session scheduled for November 11, a vote of no confidence was not conducted due to the lack of a quorum and the withdrawal of 10 members of parliament from the submitted request for a vote of no confidence. [15]

Despite these circumstances, the Assembly slightly improved its efficiency in the second pandemic year and improved its openness according to the openness index by 3.74%, and it achieves a total result of 71.89%. Compared to the region, the Assembly of North Macedonia is in the second place, after the Assembly of Montenegro, which fulfills 85.45% of the openness index. The legislative authority of Bosnia and Herzegovina is third-ranked with 46.25% openness and the legislative authorities of the Republic of Serbia are positioned fourth and they meet 43.04% of the openness index.

In the first pandemic year (2020), the parliamentary composition dedicated 45 working days for plenary sessions, while in 2021, 77 working days were intended for plenary sessions. The MPs debated on 376 draft laws, and adopted 213 laws. Approximately one third or 81 laws were adopted in a summary proceeding. The use of a summary proceeding continues to be criticized, because it reduces the possibility of consultations and debate in the Assembly.[16] To this end, the opposition should also demonstrate more constructiveness,

---

13 Data from the field survey on citizens' perceptions about the operation of the Assembly, which was conducted by the Institute for Democracy "Societas Civilis" in the period from February 17 to March 10, 2021. Downloaded from: https://cutt.ly/4KKOhlk.

14 The number of mayoral positions led by SDSM decreased from 57 to 16, while the number of municipalities in which mayoral candidates from VMRO-DPMNE were elected, increased from 5 to 43. SDSM lost the battle in the capital Skopje as well. In the largest Albanian party DUI, which is part of the government coalition, the changes are insignificant, however they lost the mayoral position in Tetovo.

15 Vote of confidence: The opposition lacks one vote for a quorum, Deutsche Welle. Downloaded from: https://cutt.ly/aKKOzLU. North Macedonia Report 2021 of the European Commission. Secretariat for European Affairs. Downloaded from: https://cutt.ly/SKKZ18g.

16 North Macedonia Report 2021 of the European Commission. Secretariat for European Affairs. Downloaded from: https://cutt.ly/SK-KZ18g.

through coordinated and productive participation in the parliamentary work, instead of delaying the process of passing the laws (filibustering).

Despite the slight improvement in the activities of the Assembly, certain draft laws that are important for the implementation of the Judiciary Reform Strategy 2018-2020 were not considered at all by the MPs.[17]. The parliamentary bodies held 246 sessions and organized 7 public debates on draft laws,[18] which shows progress compared to 2021.[19] Not a single supervisory hearing was held in 2021, wherewith the supervisory function of the Assembly is reduced to the parliamentary issues for the purpose of which 8 sessions were held during the year. The MPs usually addressed their questions to the prime minister, and the most common topics were corruption, the Covid-19 pandemic, the rule of law, and the judiciary system.[20]

In 2021, the Assembly worked on its new website, which was launched in 2022. The new website, as a whole, is better organized, and for the first time it includes a special section related to the transparency of the Assembly. The section on transparent assembly includes published information and documents related to the budget, public procurements, final accounts and audit reports, the annual report and information on contact with the citizens.[21] The Assembly also adopted its second Action plan for Open Government Partnership for 2021 - 2023 and joined for the first time as a member of the Council for Coordination and Implementation of the Action Plan for 2021 – 2023 within the initiative for government openness. The Council is a mixed body consisted of 16 members, equally represented by institutions and civil society organizations.

3.2.1. Transparency of the Assembly of North Macedonia

The Assembly publishes most of the information related to its organizational structure. Hence, the website contains information and biographies of the president, vice-presidents, members of parliament and the general secretary of the Assembly. The organizational chart, the list of employees within the departments, as well as their contacts, have been published. In this corpus of information, the Assembly should also publish the salaries of the officials, which is a multi-year recommendation referred to this Report.

The Assembly publishes the main legal acts as well as the internal documents that regulate its mandate and operation. The published acts include the Constitution, the

17 This primarily refers to the package of draft laws that the Government adopted at the 92nd session on 27.07.2021, and which the Assembly has not considered substantially in a session to present day (the Law on Civil Procedure, the Law on Advocacy, the Law on Amending and Supplementing the Criminal Code, the Law on Monetary Compensation for Violent Crime Victims, the Law on the Academy for Judges and Public Prosecutors).
Report on the implementation of the Judiciary Reform Strategy 2018-2022, for 2021. Open Society Foundation, Macedonia. Downloaded from: https://cutt.ly/xKKXOXf.

18   Annual report of the Assembly for 2021. Assembly of the Republic of North Macedonia. Downloaded from: https://www.sobranie.mk/godishen-izveshtaj.nspx.

19 Assessment of good governance in North Macedonia and the region through the Openness Index of the Assembly and the executive government. At the time of writing the report, the annual report of the Assembly for 2020 is not available. Downloaded from: https://cutt.ly/WKKPrWi.

20 Parliamentary questions: how much did the members of parliament argument and what did they ask the most? (January – December 2021). Downloaded from: https://cutt.ly/UKKPu40.

21 Action plan for Open Government Partnership for 2021-2023 of the Assembly of the Republic of North Macedonia. Assembly of the Republic of North Macedonia. Downloaded from: https://www.sobranie.mk/akciski-plan-pov.nspx.

Rules of Procedure, the Strategic Plan 2021-2023, as well as the set of acts adopted by the Secretary General, which are important for the good functioning of the Assembly.[22] However, the Assembly has not published a transparency strategy or a communication strategy wherewith it will improve its transparency, and thus the trust among the citizens and their accessibility.

The Assembly continues to implement the good practice of publishing materials and information related to the process of passing laws. Draft laws, stenographic notes from the discussions, amendments, the method of voting as well as video material from the sessions, are all published. In addition, it is also a good practice that most of the materials related to the process of passing laws are published in an open format. However, the practice needs to be improved when it comes to the materials published by the parliamentary bodies, i.e., to regularly publish the stenographic notes, information on the voting method, video material from the sessions and expert opinions given as part of the public debates organized through the parliamentary committees.

The Assembly publishes a detailed annual report, which also contains a report on the operation of the Assembly bodies, however this report still does not reflect the plans or work program of the Assembly. Despite the numerous and continuous indications, both in this and in other reports, the Assembly must adopt an annual plan and work program. With the adoption of the annual plan and work program of the Assembly, the work of the Assembly will be more predictable, with an improved quality of public consultations in the Assembly. The adopted work plan and program will encourage better coordination between the political parties and can contribute to a more constructive role of the opposition, which often accuses that ad hoc laws and policies are adopted, and therefore the mechanism of summary proceedings and adopting laws with the EU flag is misused.[23]

In addition to the annual report, the Assembly also publishes semi-annual reports "My Member of Parliament", however these are not regularly published, so usually only one six-month report is available in one calendar year.[24] The publication of the report "My Member of Parliament" is exceptionally important because it monitors the engagement and activity of each Member of Parliament in the operation of the Assembly.

3.2.2 Open data

As much as 41.88% of the information and materials available on the Assembly's website are available in an open format. With the adoption of the Assembly's Action Plan for 2021-2023, as part of the Open Government Partnership initiative, the Assembly committed to create an online platform for open data, wherewith it will improve the access to information for the citizens. This commitment envisages the creation of a software tool that will enable: opening data sets in computer-readable formats; production of data sets in the daily operation of the Assembly; publication of the dataset metadata; and increasing user involvement through data re-usage.

22 Acts – General Secretary. Assembly of the Republic of North Macedonia. Downloaded from: https://cutt.ly/zKKPFNM.

23 The European flag activates the parliamentary voting machine. "Free Europe". Downloaded from: https://cutt.ly/9KKPSuM.

24 "My Member of Parliament". Assembly of the Republic of North Macedonia. Downloaded from: https://www.sobranie.mk/mo-jot-pratenik.nspx.

3.2.3 Financial transparency

At the time of writing this report, the new website of the Assembly has already been launched, where for the first time there is a special section for financial transparency, which in a way indicates that the suggestions of this report from previous years have been accepted. The online section dedicated to financial transparency includes information on the budget, public procurements, final accounts and audit reports. In regard to this section, we recommend insertion of a direct link to the State Commission for Prevention of Corruption, which will lead to the property sheets of the MPs. Another positive development is that the information on the degree of budget utilization is published on a monthly basis, and it contains the information on transportation expenses and daily expenses for the members of parliament, which is particularly important if one considers the numerous scandals about the high amounts that MPs spent from the parliamentary budget. However, this data should be in an open format in order to facilitate its analysis. In terms of the budget, the recommendation remains for the Assembly to publish a civil budget and to improve the consultations during the adoption of the budget. [25]The Assembly meets high 93.3% of the indicators dedicated to public procurements. In the last few years, the Assembly has seen the greatest growth in transparency specifically in the area of public procurements. The new website contains all important aspects for timely monitoring of public procurements: planned procurements, publication of announcements, concluded and implemented agreements and adopted decisions. The Assembly should improve its practice by publishing an annual report on public procurements.

3.2.4. Access to public information

The Law on Free Access to Public Information as amended in 2019 expanded and specified the list of information that holders of information, such as the assembly, should proactively publish on their website. In order to provide a better overview for information seekers, the holders should publish the entire list of information and documents that are considered public information pursuant to the law, in a single place on their websites.

The Assembly still has not published the contact information of the person in charge of the citizens' right to access public information. Even the new website, in the section on transparent assembly, does not include a separate section dedicated to information access. Such section should include attachments of the entire list of information and documents that the Assembly determines as public information, a link to this information, a publication of already requested and approved information, as well as an annual report on the implementation of the Law. The website does not contain information about the procedure in which this right is exercised or protected, and according to the information received through the questionnaire submitted by the Parliament for this research, in 2021, the services did not attend training on free access to public information.

---

25   One hundred and ninety-three thousand euros for travel expenses were paid to the MPs for 9 months "tap the card - run away!", "I want to say". Downloaded from: https://cutt.ly/NKKPBZh.

3.2.5. Public consultations

A prerequisite for quality consultations is the existence of an annual program and calendar of activities, especially for the legislative function of the Assembly, as well as the existence of clear rules regarding the manner in which public consultations should be carried out. In the case of the Assembly of North Macedonia, these minimum requirements for consultation through which citizens will be able to participate in the process of creating laws, have not been met. With the existence of a calendar, the interested parties will be able to prepare for participation in the consultations, while the clear procedures will enable mandatoriness of the consultations whenever this is foreseen, and not as an exception, as this is done within the practice of the Assembly of the Republic of North Macedonia. Currently, the available calendar on the website of the Assembly contains only information about the activities for the current month. The European Commission in its latest report for 2021 points to the need for predictability in the process of adopting laws.[26] The provision of the Rules of Procedure, according to which there is an opportunity for experts and representatives of civil society organizations to participate in the work of parliamentary committees[27], does not represent a guarantee for the consultative processes. The internal consultation procedure should determine: when consultations should be conducted; how the consultations are announced and who is invited to participate; introduction of the register of interested parties; deadlines for submission of opinions and their publication, as well as a mandatory report from the conducted consultations.

3.2.6. Interaction with the citizens

The Assembly should improve the communication with the citizens and increase the trust in this institution. According to the field research of the International Republican Institute of a representative sample, which was conducted in November and December 2021, only 3% of the citizens in North Macedonia enjoy trust in this institution. The results show that 27% trust the Assembly to some extent, while 33%, do not trust it to a large extent. When it comes to the openness of the Assembly to involve the public in its work, more than half of the respondents in 2021 (55%) believe that the Assembly is completely or partially closed to the public, which is an increase by 6 percentage points compared to 2020.[28]

The members of parliament are obliged to contact their electorate every last day of the week, by being physically present and available at the local self-government unit where they were elected to the position of member of parliament. There is available information about the contacts and locations of the local offices for contact with the citizens, however there is no qualitative or quantitative report on the effects of these meetings. The report "My Member of Parliament" should also contain information on the number of meetings

26   Rules of Procedure of the Assembly of the Republic of North Macedonia, Article 122, paragraph 2. Assembly of the Republic of North Macedonia. Downloaded from: https://cutt.ly/kKKP63j.

27   Public opinion survey, North Macedonia, slide 16. Downloaded from: https://www.iri.org/wp-content/uploads/2022/03/IRI-N-Macedonia_Nov-December-2021-Poll.pdf

28   The openness of the Assembly: The informedness and involvement of the public in the work of the members of parliament. Downloaded from: https://cutt.ly/jKKAi2E.

that the member of parliament had through the offices for contact with the citizens, the issues addressed by the citizens and whether any action was taken in regard to the concerns that the citizens addressed to their member of parliament.

On the other hand, the Assembly offers an excellent opportunity for citizens to familiarize themselves with its work, virtually, through the available video materials and tutorials, or to physically visit the Assembly, and the visit should be timely announced and registered by the citizens. The Parliamentary Institute offers good information about the competences and function of the Assembly and gives a good overview of the historical and constitutive events that are important for the Assembly. However, it is useful to include subtitles and sign language video for materials that are exclusively in audio format.

The citizens can directly contact any member of parliament, the president of the Assembly or the services, however there is no possibility for the institute of electronic petition, which will necessarily have to be answered by the Assembly, in a prescribed form and procedure. The Action Plan of the Assembly for 2021-2023, as part of the Open Government Partnership initiative, foresees a platform for suggestions and initiatives from the citizens and a registry of civil society organizations. This activity should be implemented by the end of December 2022.

3.2.7. Integrity

The Assembly disposes of the formal mechanisms for guaranteeing integrity and preventing corruption. A Code of Ethics for the Members of Parliament and the property sheets is available through the State Commission for Prevention of Corruption. The Law on Lobbying also started to apply as of June 2021, which offers a wider scope to the officials that it refers to, and the decision-making procedures and policies that can be influenced and reported by lobbyists. The competent institution for monitoring lobbying activities is no longer the Assembly, now this competence belongs to the State Commission for Prevention of Corruption.[29] The Code of Ethics does not offer instruments for monitoring its application, however it establishes a procedure for determining light and severe violations of the Code and imposition of measures.[30] However, after the closure of the data collection for this report, in June 2022, the application of the Code of Ethics was put to the test, when the MPs from the opposition requested to schedule a session in which it will be discussed whether the President of the Assembly violated the Code of Ethics by verbally attacking and insulting the parliamentary officials, for the purpose of which audio materials were publicly available. The Commission on Procedural, Mandate and Immunity Related Issues did not adopt the agenda,[31] therefore a debate on this topic was not initiated at all. The commission should have provided a dispute, regardless of the potential political motives, in order to allow debate on the application of the code of ethics.

Training on the application of the Code of Ethics for the members of parliament, including the conflict of interest and the prevention of corruption, has been conducted

---

29 Rules for conducting a procedure for determining committed minor and major injuries and imposing measures determined by the Code of Ethics of the Members of Parliament. Downloaded from: https://cutt.ly/9KKAgtV.

30 Details of the commission session. Assembly of the Republic of North Macedonia. Downloaded from: https://cutt.ly/WKKCaRR.

31 Code of Ethics for Talat Xhaferi. "TV 24". Downloaded from: https://cutt.ly/5KKAz8U.

for the employees of the Parliamentary Institute, at the Department of Education and Communication, in order to include it in the training curriculum for MPs as well as for the introductory sessions for MPs. The training is organized in December 2021 by the citizens' association Center for Change Management.

3.2.8. Monitoring, evaluation and strategic planning

The Assembly meets 73.3% of the monitoring, evaluation and strategic planning indicators. However, for better results, it is recommended for the Assembly to determine its own consultations procedure, which will include a procedure for regulatory impact assessment, as well as a procedure for involving experts in the work of the parliamentary bodies. It is very important for the supervisory function to publish the ministers' answers to parliamentary questions in their entirety, both the answers that were provided orally at the session itself, as well as the answers that were provided in writing between the sessions for parliamentary questions. In addition, this year again, a review of all reports published and submitted by the State Audit Office is recommended in the relevant parliamentary bodies, as well as to draw appropriate conclusions. Formally, but also in practice, the Legislative Committee is significantly burdened in relation to other working bodies, so this practice of an increased mandate should also be accepted by the Finances and Budget Committee, and the other committees that the reports reviewed by the State Audit Office materially refer to.

3.2.9. Roadmap for good governance for the Assembly of the Republic of North Macedonia

We prepared a set of recommendations that are divided based on the four categories that we elaborated above. These recommendations address the aforementioned problems and should serve as a comprehensive plan for good governance of the Assembly of the Republic of North Macedonia.

Transparency

- The Assembly should adopt an internal document for the parliamentary communication (PR) strategy. Moreover, the Assembly should adopt and publish a policy on transparency and openness, wherewith, among other things, it will improve the perception among the public and will become more accessible to the citizens and stakeholders.

- The Assembly should create and regularly publish an annual work program and, according to this work program, it should publish a preliminary calendar for its activities.

- The Assembly should publish a structured list of MPs with their contacts in an open format.

- The Assembly should publish the salaries of the MPs and the general secretary.

- The Assembly should publish the videos and all the documents resulting from the sessions of the committees on their website.

- The Assembly should publish the voting records of the committees.

- The Assembly should publish the expert opinions presented as part of the consultations and together with the draft laws, it should to publish the opinions provided by the international bodies (for example, the Venice Commission).

- The Assembly should publish the civil budget on the website.

- The Assembly should publish a link to the website of the State Commission for Prevention of Corruption, where the property documents of the MPs are published.

- The Assembly should publish the annexes to the agreements and the annual reports on public procurements.

- All committees within the Assembly should review the proposal of the state budget.

Accessibility

- The Assembly should publish, on its website, contact information of the official in charge of access to public information, an explanation of the procedure for obtaining public information, but also to publish the information for which free access has already been approved.

- The Assembly should adopt an internal act on consultative processes. Until the adoption of such an act, the committees should cooperate and request comments/opinions from the public more frequently, by opening public calls for comments and suggestions from the public.

- Civil servants should be provided with capacity-building training in the area of access to public information, as well as open data, and instructions on how to use and publish open data.

- The website of the Assembly should be supplemented with educational material in which subtitles or sign language will be used.

- The Assembly should focus on the limitation of the practice of adopting laws in a summary proceeding only for stipulated conditions.

- The Assembly should publish on its website, instructions for submitting complaints and appeals, and it should establish a special channel for electronic petitions.

- The Assembly should timely and completely implement the commitments from the Action Plan of the Assembly for 2021-2023 as part of the Open Government Partnership initiative, as well as to expand the number of civil society organizations that are involved in the implementation of the commitments.

Integrity

- The Code of Ethics of the MPs should also regulate the political activity of the MPs.

- The Assembly should establish concise mechanisms for monitoring the implementation of the Code of Ethics for the MPs.

- The Assembly should publish information on the protection of whistleblowers on its website.

- The Assembly should adopt and publish an integrity plan or other format of the internal anti-corruption policy that includes measures for the prevention and elimination of various forms of corrupt and unethical behavior in the institution.

Efficiency

- The Assembly should start 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 who did not attend 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

The Government of North Macedonia is the most open, it fulfils 82.71% of the established openness criteria, followed by the Government of Montenegro with 58.16%. Third-ranked is BiH with 49.58%. The Government of the Republic of Serbia is positioned last, fulfilling 37.96% of the openness criteria.

The openness and transparency of the authorities is one of the key issues in the reform of the public administration and the European integration process led by the Western Balkan countries. Although our region is formally working on these tasks that should bring us closer to the European family, however, there is a strong need for systematic regulation of openness and communication policies that must be set on a long-term basis in order to have specific and lasting benefits for our communities and society. The issue of transparency of public spending has proved to be particularly sensitive, and the need to involve the citizens and the civil sector in the policy-making and decision-making deserves an appeal.

The data that we collected through the Regional Openness Index show that the open and transparent activities of the institutions exist only at the individual level and that these are not established long-term practices of behavior, that is, that there are rare examples of institutions that have established rules and procedures of public behavior. An issue of particular concern is that the level of openness is influenced by personnel changes at institutional level, rather than programs and policies of a country.

For this reason, we have repeatedly called on the governments of the countries in the region to work on the development of strategies and regulations for openness of the executive power, but also to be more actively involved in the international initiatives aimed at promoting good governance.

The data show that in 2021, the best results were achieved by the Government of North Macedonia (82.71%), followed by the Council of Ministers of Bosnia and Herzegovina (75.54%), the Government of Montenegro (58.16%) and the Government of the Republic of Serbia (45.43%).

Furthermore, the Government of the Federation of Bosnia and Herzegovina fulfils 38.17% of the openness indicators, the Government of Republika Srpska fulfils 35.85%, while the Provincial Government of Vojvodina fulfils 30.49%.

When it comes to the ministries, the best results, on average, are achieved by the ministries of North Macedonia with 58.56% fulfillment of the openness indicator. In the other countries, the ministries meet less than half of the established indicators – in Montenegro 48.17%, Serbia 46.82%, and Bosnia and Herzegovina 38.5%.

We can observe the weakest results in the state administration bodies. On average, the bodies in North Macedonia satisfy 41.54%, in Montenegro 40.82%, in Bosnia and Herzegovina 40.49%, and in Serbia 31.20%.

In the following sections of this document, we indicate some of the key critical points for achieving a higher level of openness of the executive bodies in the region.

(Non)strategic approach to the openness policies

North Macedonia is the first country in our region that decided to make the openness policy special through a special strategy. The strategy for transparency of the Government of North Macedonia aims to improve the transparency and trust in the work of the institutions. The experience of this country confirms that it is not enough just to appropriately plan the activities that will lead to greater transparency of the authorities. Namely, it is crucial to establish a monitoring and evaluation system on a good basis, in order to ensure quality implementation of the planned activities. Our data show that the implementation of this strategy usually stagnates. Of a total of 45 activities from the Strategic Action Plan, more than half have not been implemented at all. Only nine activities were fully implemented within the stipulated period, three were implemented with a delay, and eight activities are in progress.[32] The Government of North Macedonia needs to extend the period of implementation of the strategy, to adapt it to the new social-political conditions and to provide mechanisms for the consistent implementation of the planned activities.

In 2000, Bosnia and Herzegovina passed the Law on Freedom of Access to Information, first at the state level, and then in 2001 in both entities. However, although it was the first country in the region to adopt this law, to present day there have been no significant progressive improvements to facilitate access to information and greater transparency. Moreover, the new draft laws are significantly worse than the current Law. The first draft Law on Freedom of Access to Information, which was published by the Ministry of Justice of Bosnia and Herzegovina in February 2021, additionally complicates the access to information. Particularly concerning is the long list of exceptions or the possible restrictions on access to information held by the public authorities, but also the possibility to extend the current 15-day deadline for processing requests for access to information for additional 15 days. Another difficulty is that in the preliminary draft law, among other things, it is stated that the secondary authority in the procedures for exercising the right of access to information is the Appeals Council within the Council of Ministers of Bosnia and Herzegovina, instead of the institution Human Rights Ombudsman of Bosnia and Herzegovina as an independent institution that monitored the implementation of this Law.

32 Details of the commission session. Assembly of the Republic of North Macedonia. Downloaded from: https://cutt.ly/WKKCaRR.

The amendments to the Law on Free Access to Public Information in Serbia were adopted in November 2021, after more than five years of work on this act. The organizations that participated in the public consultation process believe that the adopted text can only partially solve the problems in the application of the law. The main notes are that the problem of non-implementation of the decision adopted by the Commissioner for Public Information is not adequately addressed, and that the changes insufficiently address the need for greater proactive transparency of the public authorities. The civil sector tried to impose some more progressive solutions through the Law, which would allow the citizens to know more about how institutions spend the public money and manage public resources and powers. However, due to the poor solutions in the first draft laws, this process turned into a defense of the exercised rights. For this particular reason, the conclusion of the organizations involved in this process is that it was a missed opportunity to essentially improve the key regulation that involves the public in the operation of the institutions.

The issue of strategic planning of the openness and transparency in the operation of the executive government in Montenegro has not been at the top of the Government's priorities so far. All previous attempts to systematize these issues in one document have failed, therefore these policies are still waiting for the political elites to give the necessary support to such a process and start a reform effort. Montenegro did not achieve significant results through participation in the Open Government Partnership initiative. The new government is expected to restart this process and adopt a new action plan. The new Law on Free Access to Information is still in progress. The proposed act introduces new obligations in the field of proactive publication of information held by public authorities. Although this would imply progress, the question is how successful these legal norms will be, considering that the previous model of monitoring the application of the law did not lead to greater proactivity by the authorities.

Sticking the label "confidential"

Authorities often arbitrarily use their powers to declare specific documents and data confidential, while the public, due to the very nature of the classified information, finds it extremely difficult to control the confidentiality system. The public usually doesn't have a way to challenge the potentially unjustified classification of the documents or to follow the deadlines for document declassification.

The Openness Index data show that the ministries in the territory of the four countries do not have a uniform practice and defined standards when it comes to providing information about the volume of declared documents with a certain degree of secrecy.

Namely, some of the ministries submitted us the requested statistical data on the number of documents marked with a certain degree of secrecy, wherewith they confirmed that the requested information should be considered information of public importance and interest. On the other hand, some ministries refused to provide the requested information with an explanation that the statistics on the number of classified information is also classified information. In addition, several ministries stated that it was not possible to provide the requested information because a new document would have to be created for that purpose, that is, that they do not keep such records.

The laws stipulate that confidentiality of data may be a reason for withholding information, however this does not mean that access to classified information is completely impossible.

The laws stipulate different ways of action if the request for access to information refers to classified information, however all of them aim to reassess the decision on secrecy, i.e., they indicate that in this case it is necessary to assess whether there is an interest that prevails over the right to access to information. The differences in our legislation refer to the authority that should review and ensure access to data.

The statistics on the number of documents marked as confidential only gives us an insight into the activity of a specific ministry in the area of data secrecy on an annual level. In addition, starting from the fact that the public has the right to conduct an insight into the operation of public authorities, and the marking of documents as confidential is a part of the ministries' powers, the interest of the public to know how these ministries use these powers is justified.

The notion that the requested information should be considered information that the public has the right to access, is also supported by the fact that most of the ministries gave this information to those who requested it. On the other hand, the ministries that did not do so, did not explain how the access to the requested information could lead to severe consequences for the interests protected by the law that regulates secrecy and whether the procedure for reassessing the decision to mark the document as confidential was conducted.

It is difficult to get information through legal mechanisms as well

The Openness Index data show that certain information about the work of government bodies cannot be obtained even when the law obliges them to provide the information to the requesters.

Two thirds of the institutions in the region responded to our requests for free access to information within the legal deadline. As many as 9.5% of them provided us with an answer, however after the expiration of the legal period of 15 or 20 days in North Macedonia, while 24% did not send us answers.

As part of this research, we also sent questionnaires to the observed institutions, and perhaps expectedly, when it comes to voluntary cooperation with civil society organizations, we notice even more expressed negative trends.

Hence, observing this as one of the indicators about the success of the cooperation with the civil sector, and when we take into account the data that slightly less than half of the institutions submitted answers to the questionnaire, it is clear that this is another reason for concern.

Proactivity only as a "dead letter" on paper

With the exception of the Law on Free Access to Information in Bosnia and Herzegovina, all countries in the region have a defined legal obligation for proactive transparency. However, the mere failure to comply with this obligation, combined with the weak oversight mechanisms, renders the purpose and intent of these legal provisions meaningless. Hence, there are authorities that do not have even their own websites or do not use them enough to inform the public about information within the scope of work of the institutions. There are examples of institutions that do not regularly update their news and current events for months or even years, as well as those that provide very little or almost no information about their work.

We have been noticing specific problems regarding the financial transparency for years, starting with the publication of the basic information about the annual budget and public procurement plans. The situation is even more unfavorable in terms of publishing reports on spent funds – for example, almost two-thirds of the ministries in the region do not publish final accounts.

Issues regarding the management of funds from the budget reserve and social benefits are still shrouded in secrecy in the countries of the region.

Furthermore, many institutions do not present their annual work plans to the public, and they do not report about the completed work during the year. Slightly more than a third of the institutions in the region (37%) published an annual work program for 2021, as well as work reports (35.3%) on their website.

When it comes to social media activities, as many as 75 percent of the institutions in the region do not use Twitter to inform the public about their work, and 43.1 percent do not use Facebook.

4.2. THE STATE OF GOOD GOVERNANCE AMONG THE EXECUTIVE INSTITUTIONS IN NORTH MACEDONIA

Openness – separately by groups of institutions

- Executive bodies: 41,54
- Ministries: 58,56
- Government: 82,71
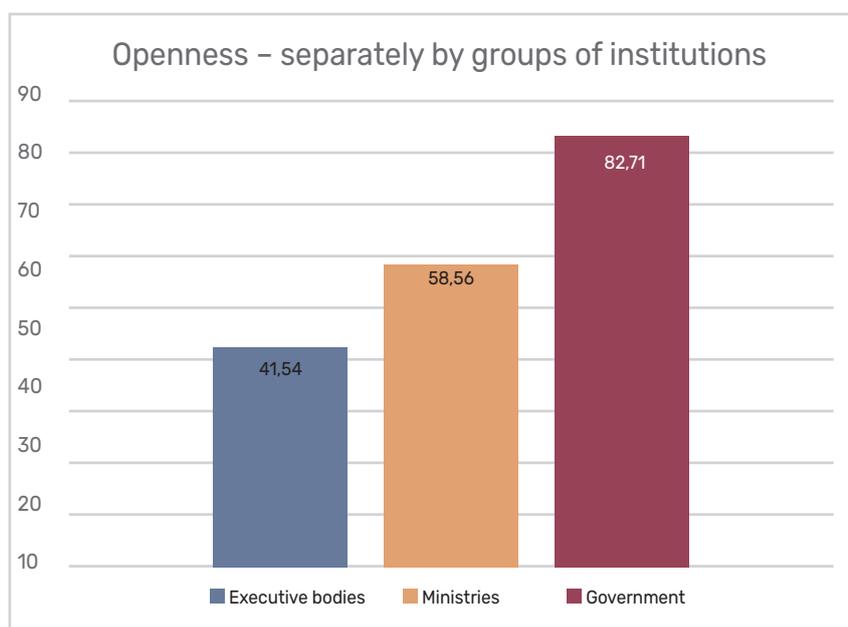
In the last measurement of the Openness Index, compared between 50 institutions, this year, same as last year, the Government of North Macedonia is the most open institution, and it fulfils 82.71% of the set openness criteria. Analyzed from a regional point of view, the average of the Governments for fulfilling the indicators is 57.17%, the result is very good, because three years in a row in the region, the Government of North Macedonia is ranked first in fulfilling the indicators, and this also corresponds with the commitment of the Macedonian Government to focus on the digitization of the processes in the institutions in order to create efficient and effective systems of good management with increased transparency and accountability in the management of public finances.[33]

In addition, the pressure and conditionality of the country upon the process of accession to the EU, have contributed, through the reform in public administration, to emphasizing the promotion of openness and transparency, which are its integral part.[34]

Openness of the institutions in subcategories

Observed as a whole, the consecutive first position in the fulfillment of openness indicators is the result of both the preparation and adoption of a series of legal acts and tools[35] that directly and indirectly regulate the openness and transparency of the executive power in North Macedonia. The adopted Transparency Strategy of the Government of North

33 Work program of the Government of the Republic of North Macedonia for the period 2022-2024. Government of the Republic of North Macedonia. Pg. 8, downloaded from: https://cutt.ly/WKKSjQK.
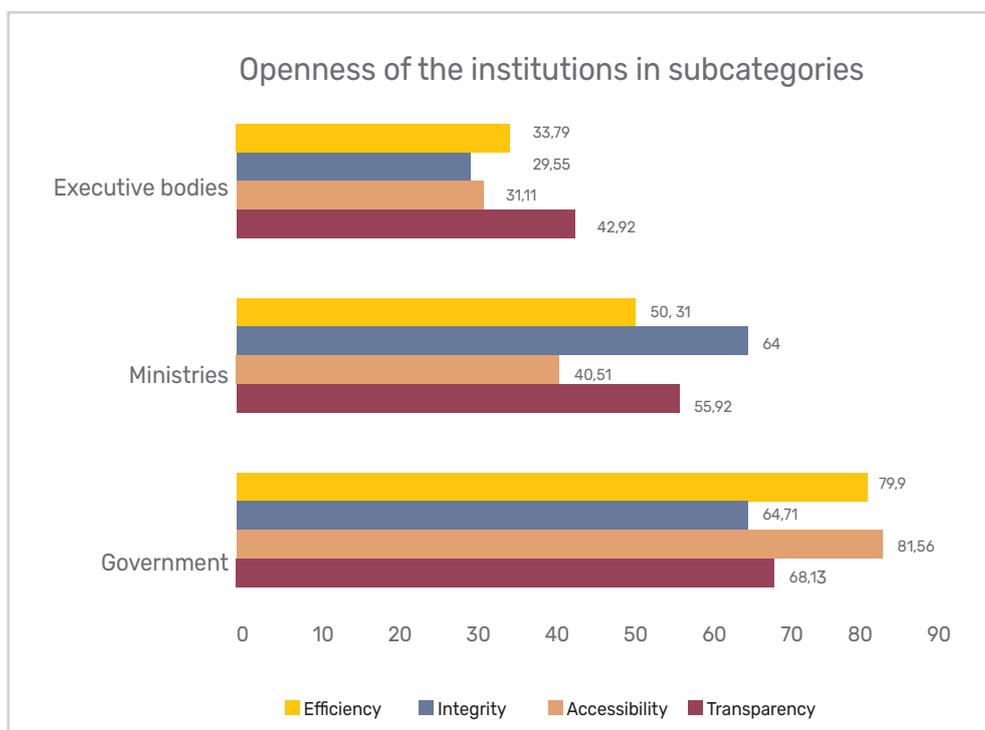
34 Good progress has been achieved, especially with the implementation of the Public Administration Reform Strategy (2018 – 2022), the improved consultations with the public and the increased transparency in policy-making and in the area of policy development and coordination. However, the compliance with the principles of transparency, merit and fair representation remains essential. Report on North Macedonia for 2018 of the European Commission. Downloaded from: https://cutt.ly/rKKSv9Z.

35 The Public Administration Reform Strategy (2018 – 2022), Public Finance Management Reform Programme 2022 – 2025, Law on Free Access to Public Information (Official Gazette number: 101/2019), Open Data Strategy 2018 – 2020, Portal https://data.gov.mk/, The policy for 21 documents which obliges all ministries to publish a set of documents on their websites as a means of accountability and transparency before the public, Law on the Use of Data from the Public Sector, etc.

Macedonia (2019 – 2021)[36] had a significant role as part of the adopted acts, it establishes the commitment to openness, and it aimed to achieve greater transparency of the central bodies of the executive power, directly or indirectly, as well as to increase the trust of the citizens in the Government, that is, in the ministries, in the other state administration bodies and institutions of the executive power and to create an environment of transparency and trust. However, the implementation of this Strategy was very limited.[37] The process was interrupted by the creation of a technical government in February 2020, before the announced parliamentary elections in April 2020, and then the COVID-19 pandemic also prolonged the planned elections in April 2020. In addition, the absence of an organizational unit for coordination and monitoring of the Transparency Strategy, which should have been established by the General Secretariat of the Government, as well as the non-establishment of the working group of stakeholders to monitor its implementation, as it was planned in the Action Plan (2019 – 2021), also contributed to the stagnation in its implementation.

The characteristic that marked 2021 was the adoption of the new National Action Plan for Open Government Partnership (2021 – 2023)[38] which is focused on the commitments to continue the activities related to the promotion of transparency, accountability, proactivity, inclusiveness, prevention of corruption and good governance, etc. The portal ovp.gov.mk has been established, which is a central point for consultation, monitoring, involvement, networking and notification of stakeholders about the process of co-creation of plans within the Open Government Partnership. On the other hand, the National Strategy for ICT 2021-2025 of the Republic of North Macedonia[39] was prepared in 2021, and it aims to prepare North Macedonia for a digital future, but it also analyzes the aspects of the pandemic caused by COVID-19, which accelerated the digitalization.

The Law on Free Access to Public Information itself, independent of the series of strategic documents for the promotion of transparency, provides a sufficient basis for the promotion of proactive and reactive transparency independently. Such an example is the establishment of the "Open Treasury" platform,[40] by means of which all state expenses become public, that is, all transactions from the state treasury are automatically published, which increases the budget and financial transparency.

Considering that the levels of achieved transparency and accountability, together, represent an indicator of integrity, they prevent and affect the prevention of corruption in the spending of public money, i.e., in public procurements, this index pays special attention to the assessment of the public availability of the budget by the institutions, as well as the public procurement procedures. A framework has been established for the fight against corruption and the promotion of the culture of integrity through the Law on Prevention of Corruption and Conflict of Interest, the Law on the National Strategy for Prevention of Corruption and Conflict of Interest (2021-2025) with an Action Plan,[41] the Guidelines for the

36 Transparency Strategy of the Government of North Macedonia (2019 – 2021). Government of the Republic of North Macedonia. Downloaded from: https://cutt.ly/eKKSTSu.

37 Assessment of the level of implementation of the Action Plan of the Government Transparency Strategy (2019 – 2021). Metamorphosis Foundation. Downloaded from: https://cutt.ly/dKKSP7i.

38 National Action Plan for Open Government Partnership (2021 – 2023). Downloaded from: https://cutt.ly/dKKDos0.

39 Draft national ICT strategy 2021 – 2025. Ministry of Information Society and Administration. Downloaded from: https://mioa.gov.mk/?q=mk/node/3470.

40 Open finance. Ministry of Finance. Downloaded from: https://open.finance.gov.mk/mk/home.

41 National Strategy 2021 – 2025. State Commission for Prevention of Corruption. Downloaded from: https://cutt.ly/IKKFqyl.

Implementation of Corruption Risk Assessment,[42], the Policy on integrity and application guidelines[43] strengthened by the Whistleblower Protection Law and the Strategy for the Promotion of the Whistleblower System,[44] the Law on Lobbying, etc.

When it comes to the participation of the citizens, it has been concluded that the Government continued to apply the established rules for the involvement of stakeholders in policy-making, therefore it uses the Electronic National Register (ENER) for consultations of stakeholders; it continued to publish calls to the civil sector for contribution to the preparation of the Annual Work Program of the Government;[45] the Council of the Government for cooperation with the civil society and development of the civil society regularly holds sessions and reports on its work;[46] and representatives of civil society organizations participate in the working groups for creating new policies. However, the general conclusion is that the quality control of public consultations and the creation of minutes from the consultation processes, as a subsequent activity, are necessary to be implemented in the future[47] during the monitoring of the consultation process.

This year, the survey through the Openness Index shows that the total score of the executive power (including the Government, ministries and executive bodies) reaches 60.93%, with the highest score for the transparency indicators of 55.65%, and the lowest score for accessibility of 51.09%. Given that the accessibility indicators assess the extent to which the right to information access is guaranteed by law and in practice, as well as the quality of mechanisms for inclusion and consultations in policy-making processes, most of the recommendations outlined in this document actually require efficient implementation of the existing policies by the ministries and executive bodies. The lowest rating of the accessibility indicators among the executive bodies is also due to the stagnation of the implementation of the Transparency Strategy of the Government of North Macedonia (2019-2021), i.e., the prolongation of the modernization process and the equalization of the new websites of the ministries and the Government, which would provide new digital and modern tools to facilitate the proactive transparency of each institution.[48]

Another general conclusion that emerges from the observed institutions in the Openness Index, which is repeated several years in a row, is the existence of a direct correlation between the hierarchy of the institutions and the drop in their ratings. The executive bodies have the lowest score according to the Index, i.e., 41.54% fulfillment of the indicators, compared to the average of the ministries that fulfill 58.56%, and the Government which has the highest total result, that is, 82.71% fulfillment of the indicators. This means that the engagement and application of openness standards are at different levels among different structures of the executive government and therefore the concept of openness must be addressed systemically. Of the 33 observed executive bodies, almost 1/3 (8

42   Guidelines for assessing the risk of institutional corruption in the Republic of North Macedonia. State Commission for Prevention of Corruption. Downloaded from: https://cutt.ly/PKKFazA.

43   Integrity Policy of State Authorities. State Commission for Prevention of Corruption. Downloaded from: https://cutt.ly/JKKFc86.

44   Ibid.

45   Downloaded from: https://www.nvosorabotka.gov.mk/?q=mk/node/519.

46   Downloaded from: https://www.nvosorabotka.gov.mk/?q=node/99.

47   Report on North Macedonia for 2021, of the European Commission. European Commission. Downloaded from: https://cutt.ly/tKKX-p6K.

48   This process is scheduled to end in 2022, page 54 of the Government's Work Program (2022 – 2024). Downloaded from: https://cutt.ly/WKKSjQK.

executive bodies) do not have websites and, to a large extent, they rely on the respective supervisory institution for the transparency of their work. It is evident that the higher the hierarchy of the institution, the more likely is that it will invest funds for the transparency of its work and for public relations. It should also be mentioned that this result is partly due to the fact that in this Openness Index, in addition to the Government's website, the work of the General Secretariat is also evaluated, which provides professional support to the Government as a whole, aimed at legal, efficient and transparent operation of the Government.

The data below presents the results and achievements of the institutions for each principle separately, namely respect for transparency, accessibility, efficiency and integrity. The index also provides an in-depth analysis individually by institutions, as follows: it assesses the public availability of organizational information, the budget and public procurement procedures (transparency); it assesses the extent to which the right of access to information is guaranteed by law and in practice, as well as the quality of the mechanisms for inclusion and consultations in the policy-making processes (accessibility); it reviews the commitment of the institutions to learn from the current processes and to improve them through established monitoring, evaluation and learning systems - by using key points/indicators during strategic planning and reporting (effectiveness); and assesses the presence of mechanisms to prevent conflicts of interest, regulation of lobbying, as well as the availability of the code of ethical conduct that guides and sanctions the behavior of civil servants and public administration (integrity). An added value of the Openness Index is that through the analysis of all principles, the work through practice and commitment to the concept of open data has been evaluated. The results are obtained individually for each level of governance (the Government, ministries and executive bodies), whereby the good examples that stand out in each group are pointed out.

The following ministries take the first five places in the ranking list in terms of the fulfillment of the indicators: Ministry of Defense (81.88%), Ministry of Internal Affairs (76.10%), Ministry of Education and Science (71.81%), Ministry of Information Society and Administration (71.06%), and Ministry of Finance (71.06%).[49]

4.2.1. Transparency

Transparency is a broad concept related to the availability of information and the access and usability of information by the citizens, that is, the information requesters. The context of this definition includes active transparency, that is, proactive publication of information by public institutions, and passive (reactive) transparency, where the provision of information is initiated by the information requester (by using the right of access to information). In essence, transparency affects the reduction of corruption, the increase of the participation of stakeholders in decision-making, as well as the increase of the efficiency of the institutions, i.e., the degree of transparency, it affects good governance, among other things. Through the indicators that assess the public availability of organizational information, the participation of stakeholders in the creation of the budget and the transparency in the spending of the budget by the executive government,

---

49   Ranking list of institutions with degree of fulfillment of the openness indicators, see Annex 1.

as well as the transparency in public procurement procedures, the executive power (the Government, ministries and executive bodies) was assessed with the highest rating for the transparency indicators of 55.65% fulfillment. Individually observed, the executive bodies are at the bottom of the scale in terms of the fulfillment of the transparency indicators with 42.92%, followed by the ministries with 55.92% and the Government has the highest ranking with 68.13% fulfillment of the transparency indicators.

Considering that websites are, legitimately, the main source of information about the operation of the institutions, and simultaneously they are a tool for the fastest, easiest and safest access, it cannot be overlooked that there are still institutions of the central government that do not have a website. Such a serious weakness, which prevents the publication of any proactive information about the operation of the executive bodies, was found in 9 out of 33 executive bodies, and therefore they are at the bottom of the indicator fulfillment scale. Since most Openness Index indicators refer to websites as a source of information, this aspect reflects significantly on their overall score. This partially explains why the general result of the executive bodies is weaker than the one of the General Secretariat, that is, the Government or the ministries.

4.2.1.1. Organizational information

The institutions are transparent when they enable the citizens, that is, the stakeholders, to see and understand how they function and work. In order to achieve transparency, the organization must provide accurate, complete and timely available information about the competence. The Government's website is regularly updated and it provides important information and data about the competences it carries out, basic contact information, data on the officials (biographies), lists of employees with position, e-mail and telephone, laws related to the emphasizing competences, rulebooks on the internal organization and systematization of jobs, as well as an organizational chart for the internal organization. The Government's website provides contact details for civil servants and departments in the General Secretariat, and the salaries of Government officials are published.[50] The Government sessions are accompanied by previously published agendas, followed by meeting minutes and press releases. However, there is a possibility for improvement, following the international best practices, considering that the documents that are being reviewed and discussed during the Government's sessions have not been published yet, and transcripts of the meetings are also not being published. The government should consider establishing a channel that would allow the public to directly follow the decision-making process on policies that directly affect them.

Regarding the quality of the ministries' websites, all are positively assessed in regard to the regular updating of their websites, while the Ministry of Local Self-Government and the Ministry of Political System and Inter-Community Relations are singled out as a negative example due to their non-functional search engines on the websites. The number of official websites among the executive bodies with functional search engines is 17 out of 24 bodies that have a website (24 out of the sample of 33 institutions that were observed), i.e., 1/4 do not have functional search engines.

---

50 Salaries of the president and the ministers in the Government. Government of the Republic of North Macedonia. Downloaded from: https://vlada.mk/plati.

The ministries, except for the Ministry of Health, publish the biographies of the ministers, while this result is weaker among the executive bodies, that is, only 15 of them publish the biographies of their directors. All ministries have published the organizational charts of the ministry, while most of them have provided a description of the ministry's competences, which is not the case with the Ministry of Culture and the Ministry of Transport and Communications. These two ministries have not published a description of the ministry's competences. Most of the executive bodies (70%) have also published the organizational charts of the institutions. Updated contact information for civil servants is missing in two ministries (the Ministry of Foreign Affairs and the Ministry of Political System and Inter-Community Relations) and in 13 executive bodies.

Half of the ministries have published annual work programs, with a low percentage of 43% (7 out of 16) of those that have not published annual reports on their work. The result is even weaker when it comes to the publication of annual work programs by the executive bodies, where only 36% of the executive bodies have published such programs, and 24% of the executive bodies publish annual reports on the implementation of these programs. Regarding the quarterly or semi-annual reports, these are rarely published: among the ministries, the Ministry of Finance and the Ministry of Defense regularly publish reports; while among the executive bodies, only 5 (15%) of them stand out as a good example (State Inspectorate for Construction and Urban Planning, State Environmental Inspectorate, State Agriculture Inspectorate, Food and Veterinary Agency and State Sanitary and Health Inspectorate).

The information on the salaries of the ministers is missing in the websites of 13 ministries, although it is unclear why this has not been completed when the data is publicly available on the Government's website[51]. The salaries of the Minister of Internal Affairs, the Minister of Defense and the Minister of Local Self-Government, are published on the individual websites of the ministries. None of the executive bodies has published this data on the amount of directors' salaries. Three ministries (Ministry of Defense, Ministry of Internal Affairs and Ministry of Finance) have published communication (PR) strategies. Compared to the previous measurement, there is a general observation that the institutions have maintained the level of published information, however its improvement is expected.

Hence, the Ministry of Defense (80.99%), the Ministry of Finance (74.79%) and the Ministry of Information Society and Administration (70.65%) are in the first 3 places on the ranking list in regard to fulfilling the indicators of transparency. Among the executive bodies, the highest fulfillment of the transparency indicators was achieved by the State Inspectorate for Construction and Urbanism (70.75%), the Food and Veterinary Agency (70.72%) and the Commission for Communication with Religious Communities and Religious Groups (70.72%).

---

51   Ibid.

4.2.1.2. Budget

Considering that transparency in the planning and implementation of public finances is a key element for good governance in this Openness Index, the budget transparency of the central government has been measured through a series of indicators. Namely, budget transparency is significant in terms of provision of information to taxpayers, that is, citizens, about the purpose for which the taxpayers' funds are planned and spent by the institutions. In addition, the timely and systematic disclosure of relevant fiscal information was measured, because this contributes to corruption reduction, and it ensures effective participation of the citizens in the budget processes.

In order to increase transparency and bring information about the spending of the state budget closer to the citizens and all interested parties, as well as to use the data for analytical, scientific and research purposes, the Ministry of Finance opened the data to the public through the "Open Finances" portal, which provided the public an insight into the data on the realization of transactions of all budget users of the state budget, which are available in the treasury.

The current state budget is published on the Government's website, but the website also contains historical data on budgets for the last 14 years. At the Ministry of Finance, as the competent ministry, the state budget is published in an open format, but also on the website http://budget.finance.gov.mk, which was created in 2017. This year the budget is published in an understandable format for the citizens, in the form of a Civil Budget, whereby the state budget is distributed by economic classification, by functional area, and by budget beneficiaries, and an overview of the gender budget initiatives is also presented. The Government has maintained the practice of publishing the Civil Budget.[52] The Ministry of Finance also publishes the state of the public debt, among other things. The documents on the current and planned reform of public finance management have also been published. Regarding the financial reports, these are also periodically published on the website of the Ministry of Finance, the Ministry of Internal Affairs and the Ministry of Defense, which means that the other 80% of the ministries should introduce this practice. In regard to the other ministries, the Ministry of Foreign Affairs, the Ministry of Agriculture, Forestry and Water Management, as well as the Ministry of Political System and Inter-Community Relations, did not publish a budget, i.e., a financial plan. The recommendation from last year remains, in order to improve the consultations with the public, to introduce public consultations during budget planning, as well as to publish information on the spending of budget reserves.

Of the executive bodies, 51% regularly publish annual financial plans, and in regard to reporting, 42% of them publish final accounts, and only one of them, the Secretariat for European Affairs, publishes periodic financial statements on its website.

---

52   Civil Budget 2021-2022. Government of the Republic of North Macedonia. Downloaded from: https://cutt.ly/kKKF6cP.

4.2.1.3. Public procurement procedures

Public procurement is listed first of the several priority, horizontal areas with a high risk of corruption in the National Strategy for Prevention of Corruption and Conflict of Interest[53] 2021 – 2025. The Public Financial Management Reform Program (2018 – 2021) included the objectives, measures and activities in the area of public procurement. In addition, at the beginning of 2021, in the "Plan for fight against corruption - Action 21", at the suggestion of the civil society, the Government included several anti-corruption measures in the field of public procurement, wherewith it obliged all contracting authorities to develop internal procedures for implementation of the public procurement procedures and for the implementation of the agreements. The public procurement system in the Republic of North Macedonia is well developed, with an established legal and institutional framework. The transparency of the system is strengthened by the established Electronic Public Procurement System which also includes an e-complaint module.

The Public Procurement Bureau is the only institution in charge of publishing documents related to public procurement procedures through the Electronic Public Procurement System, although, as a good practice, institutions are expected to provide access to these documents through their own websites. Therefore, the Transparency Strategy of the Government (2019 - 2021), in the chapter Active Transparency, contains a special strategic determination for connecting the data on the websites of the ministries and other bodies with those located in the Electronic Public Procurement System.

However, there is still a general conclusion regarding the frequent problems and violations[54] in the public procurement procedures that should be overcome with the implementation of the new legal framework and with the adopted Strategy for Strengthening the Public Procurement System[55] in the Republic of North Macedonia (2022-2026) and the Action Plan, as well as to take specific measures in the standardization of public procurement.[56]

The index of openness, through a set of indicators in this area, forms the assessment of the achievements of the central government through the publicly available, that is, published plans, calls, decisions, agreements and annexes related to public procurement on the institutions' websites. Comparatively, the ministries have better achievements than the executive bodies in terms of the openness regarding their public procurement procedures, but on the other hand, compared to last year, the executive bodies have significantly improved the transparency in public procurement.

The Government fulfills 10 out of 13 indicators in this subcategory, mainly with the weakness that the concluded annexes to the public procurement agreements are not published on the website, and that the real owners of the bidders and the companies that have concluded a contract with the institutions in the public procurement procedure have not been published yet. The Government is positively evaluated in regard to the publication of plans, calls, decisions and agreements on public procurement on its website.

---

53   The National Strategy for Prevention of Corruption and Conflict of Interest was adopted by the State Commission for Prevention of Corruption in December 2020, and it was adopted by the Assembly of the Republic of North Macedonia in April 2021.

54   Shadow Report on Public Procurement 2021, Center for Civil Communications. Downloaded from: https://cutt.ly/vKKGy53

55   Strategy for Development of the Public Procurement System 2022 - 2026. Bureau of Public Procurement. Downloaded from: https://cutt.ly/bKKGhWJ

56   Grkovska: We need a system for public procurement and standardization so that there are no abuses. Telma. Downloaded from: https://cutt.ly/lKKGchs

The Government also has a positive practice and publishes the last annual report on all public procurements.

Few years ago, in order to improve the public procurement procedure and to reduce the possibility of misuse of funds, a recommendation was made, which is repeated this year again, that officials who conduct public procurement should be obliged to fill out a declaration on conflict of interest and to submit asset declarations about the property status. Another reiterated recommendation is the need to publicly announce the real owners of firms that have entered into public procurement agreements on the Electronic Public Procurement System, which will prevent corruption, will significantly reduce the abuse of public procurement bids and will ensure fair competition between the bidders, which is an envisaged measure in the fifth National Action Plan for Open Government Partnership (2021-2023).[57]

The table below provides an overview of the degree to which ministries and executive bodies meet the indicators that assess transparency in public procurement procedures. There has been an overall improvement in the performance of the ministries and especially the executive bodies compared to last year. Regarding the publication of annual reports by the executive bodies, at both levels there has been an increase in the number of institutions that publish annual public procurement reports. Compared to last year, when no ministry published an annual public procurement report, this measurement showed that the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Environment and Physical Planning, the Ministry of Defense, the Ministry of Labor and Social Policy, the Ministry for Education and Science, the Ministry of Local Self-Government, the Ministry of Health, the Ministry of Agriculture, Forestry and Water Economy, the Ministry of Information Society and Administration and the Ministry of Political System and Inter-Community Relations have acted on the recommendations of the Openness Index and have published annual public procurement reports. Although this is not a legal obligation, it is a good international practice and the institutions should continue with the commitment to establish it as a practice. Therefore, the recommendation remains for the institutions to prepare an annual summary report* for all public procurements in the previous year.

---

57   National Action Plan for Open Government Partnership (2021 – 2023). Downloaded from: https://cutt.ly/dKKDos0

PUBLIC PROCUREMENT PROCEDURES: MINISTRIES AND EXECUTIVE BODIES		
	ministries	executive bodies
Are public procurement **plans** published on the website?	94%[58]↓	60% ↔
Are public procurement **calls** publicly available on the website?	81% ↔	60% ↑
Are public procurement **decisions** publicly available on the website?	81% ↑	57% ↑
Are public procurement **agreements** publicly available on the website?	81% ↔	39% ↑
Are **annexes to public procurement agreements** publicly available on the website?	56% ↓	60% ↑
Is the latest **annual report*** on all public procurements available on the website?	75% ↑	24% ↑

* Although the institutions have made a positive step in this direction by mainly integrating parts of the public procurement portal, they need to publish separate annual reports on all public procurements in a separate document and in an open format.

4.2.2. Accessibility

The Openness Index in the subcategory Accessibility measures the degree of openness through the indicators wherewith it evaluates the degree to which the right to access information is guaranteed by law and in practice, as well as the quality of the mechanisms for engagement and consultations with the public in the policy-making processes. The general conclusion is that for the first time this year, the Openness Index research shows the lowest average rating of the executive power (including the Government, the ministries and the executive bodies) in achieving the subcategory Accessibility of 51.09% fulfillment of the indicators. **The low average rating is affected by the low fulfillment of the accessibility indicators by the executive bodies (31.11%) and by the ministries (40.61%). Unlike them, the Government meets 81.56% of the accessibility indicators.** According to the scope of the subcategory Accessibility, the Government is mainly

58   This year, only the Ministry of Foreign Affairs did not publish the public procurement plan on its website.

assessed in regard to the quality of the legal framework that guarantees the right of access to information, as well as its practices, and the results of the ministries and executive bodies are completely based on the extent to which they practice the legal provisions and the international standards observed through the Openness Index. Therefore, most of the recommendations that this document highlights actually require effective implementation of the existing policies by the ministries and executive bodies.

Individually, of the ministries, the Ministry of Defense (61.05%), the Ministry of Environment and Physical Planning (56.54%) and the Ministry of Internal Affairs (53.08%) are ranked in the first 3 places in terms of the fulfillment of the accessibility indicators. Of the executive bodies, the highest fulfillment of the accessibility indicators was achieved by the State Statistics Office (54.67%), followed by the Regional Development Bureau (53.33%) and the State Inspectorate for Construction and Urban Planning (50.67%).

4.2.2.1. Access to information

The access to information is a key component of the transparent and accountable government. The purpose of the access to information is to enable the citizens to see how the government works, that is, to be able to discover corruption or discover flaws in the policy creation. In that regard, the information created and disposed of by public authorities belongs to the public. In the Law on Free Access to Public Information[59] of 2019, the list of information holders was expanded; a wider list of information was established, which the institutions are obliged to proactively publish; the public interest is defined; the deadline for a response to a request was shortened to 20 days; the list of exceptions to free access was shortened; and the expanded competences of the second-level authority with the possibility of conducting misdemeanor proceedings were established, all aimed at ensuring publicity and openness of the institutions, with the final result - an informed citizen. This Law prescribes an obligation for the information holders to respond to requests for access to public information (reactive access), but also contains provisions for proactive publication of information, that is, independent publication of information, known as active transparency.

The Openness Index through the websites evaluates the institutions of the central power (the Government, ministries and executive bodies), whether they have updated information on exercising the right to free access to information; whether they publish already answered requests for free access; as well as whether the website has a special section dedicated to the right of access to information (or another name) where the relevant information is contained; whether they have published an updated list of information, etc. The Government's website fully meets the criteria for exercising the right to free access, and the only recorded weakness is that it does not publish the answers that it prepares for requests for free access to information. This practice has been observed at the Ministry of Defense and the Ministry of Environment and Physical Planning, and only at the State Statistical Office among the executive bodies. It can be concluded that in terms of practice, a comprehensive weakness that can be observed in all institutions from the executive government is their failure to publish on the website the answers wherewith they provided access to the information upon a submitted request.

---

59   Official Journal of the Republic of North Macedonia no. 101/2019 dated 22.05.2019.

Taking into consideration the new trends and processes of digitization that are happening in the world, and which are imposed as a necessity in our country as well, it is expected that an increasing emphasis will be placed on active transparency in the near future, which should significantly reduce the number of submitted hard-copy requests for free access. Hence, the best international and regional practices will have to be followed in terms of the waiting time for a response to a paper request for free access, which ranges between 7 and 15 days, and it will be necessary for us to intervene again within the deadline, hence the waiting time should be reduced from 20 days to a maximum of 15 days. In order to estimate the waiting time after a request was submitted by the targeted institutions, Metamorphosis sent requests for access to information to all 50 institutions, and 46% of them timely responded. The institutions that did not respond to the request or responded after the legal deadline include 6 ministries, 4 of which responded after the legal deadline, while 2 did not respond at all (the Ministry of Agriculture, Forestry and Water Economy and the Ministry of Information Society and Administration), and 14 executive bodies, 7 of which responded after the legal deadline, and 7 did not respond to the requests at all.

Same as last year, all ministries (93.75%), except the Ministry of Political Systems and Inter-Community Relations, have created a special space (section) on their websites dedicated to the procedure with requests for free access to information. Compared to last year, when 68.75% of the ministries reported that they have trained staff on the procedure for free access to information, this year there is an insignificant drop in the result and it amounts to 62.5%, i.e., the number of ministries that trained their staff is 10 (Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Economy, Ministry of Environment and Physical Planning, Ministry of Defense, Ministry of Education and Science, Ministry of Local Self-Government, Ministry of Agriculture, Forestry and Water Economy, Ministry of Information Society and Administration and Ministry of Political System and Inter-Community Relations). And the Government continued the practice of training its officials on the procedure for free access to information.

As for the executive bodies, without any change from last year, 39% of them have a special section on the website related to the procedure for free access to information. The limited number of trained employees for the procedure for free access is evident among the executive bodies, where only five institutions (15%) out of 33 monitored institutions, reported that they had attended trainings on free access, as follows: the Food and Veterinary Agency, the Secretariat for Legislation, the Public Procurement Bureau, the Bureau for Commodity Reserves and the Water Economy Administration.

4.2.2.2. Interaction with the citizens

In today's global society, digital media, especially social networks have an indisputable role in the exchange and dissemination of information, raising public awareness of issues of public interest, familiarizing citizens with the scope of work of the institutions and opening opportunities for them to participate in the policy creating processes, as well as for simple and fast use of services. Therefore, in the subcategory *Accessibility*, the extent to which institutions facilitate interaction and delivery of services to citizens has been observed.

The nature and frequent use of websites and other online tools (Facebook, Twitter and many more) puts them in a central position for interaction with the citizens, however the observation showed shortcomings when it comes to fast communication channels. Hence,

the following institutions have a direct channel on the websites for online communication through which the citizens can express their concerns, submit petitions or complaints or file a complaint: the Government, only 4 (25%) ministries (the Ministry of Information Society and Administration, the Ministry of Education and Science, the Ministry of Foreign Affairs and the Ministry of Finance) and 10 executive bodies (30%). In 2021, there was no update of the Government's Communication Strategy 2019/2020[60] which, among other things, by standardizing the way in which messages are transmitted and establishing communications with the citizens on the principle of "open government", contributed to the better results of the Government in the Openness Index in comparison with the other ministries and the other executive bodies. In addition, a portal uslugi.gov.mk was created, which is not actively promoted on social media.

Social media contribute to facilitating communication and interaction with the public, however, under no circumstances they compensate for the absence of websites (8 out of 33 executive bodies still do not have websites) and they cannot replace the websites in relation to the volume of shared information. As many as 34 out of 50 observed central institutions have official profiles on Facebook and 11 of them have profiles on Twitter. The conclusion from last year remains, that the practice of using only the personal profiles of officials as official in social media is slowly being abandoned, however they are still richer in information than the official social channels of the institutions. The main problem with the personal profiles of officials is that they cease to be used as sources of information and interaction with the respective institutions as soon as the official's term ends, and as such they do not contain long memories of the developments in the institutions.

Considering that the civil society is (should be) an equal partner and corrector of the government's decisions, and that a continuous, transparent and fully inclusive dialogue with the civil society is necessary, the Ministries were monitored through their websites to check whether they have published contents on joint activities with the civil society in the last 6 months. It was established that the majority, 81.25% of the ministries regularly publish such content for joint activities with the civil society.

Regarding the facilitation of public services, the central government continuously supplements the online portal for e-services, available at www.uslugi.gov.mk, which serves as a register of 838 public services, provided by 1.288 institutions with clear instructions on how to access them, and for some services there is a direct possibility for access and provision of the service online. This important tool plays a key role to facilitate the interaction between the institutions and the citizens, so that the institutions can be oriented towards providing easily accessible services to citizens as a characteristic of good governance. Through the basic websites of the ministries, 75% of them also have available sections with lists of all services provided by the ministry with links to the description of the service and the necessary documentation. Only 2 executive bodies (6%) have published this type of list of e-services offered by other executive bodies on their websites.

60   Communication Strategy of the Government for 2019/2020. Government of the Republic of North Macedonia. Downloaded from: https://vlada.mk/komunikaciska-strategija.

4.2.2.3. Public consultations

Timely and substantial participation of the citizens in the creation of policies is a prerequisite for a democratic society to be recognized as transparent and accountable. On the one hand, through the participation of the public in the processes of policy preparation, it is possible for the stakeholders to influence on the development of the policies that affect them. On the other hand, through the participation of the stakeholders in these processes, policy makers gain new ideas, information and access to resources that are important in the policy making process. Ultimately, the consultations contribute to building mutual trust and developing democratic principles. The consultations are carried out in three ways: (1) through the announcement of the start of the process, which is the first step in the consultations, where the public is a passive actor, but allows time for preparation for the stakeholders; (2) through consultations that imply active seeking of opinions and views from those who are affected. This basically represents a process of collecting information, but also of continuous dialogue; and (3) through active participation, that is, the involvement of the stakeholders in the policy-making process. In the past period, several consultative mechanisms have been established, with representatives from the civil society that contribute to more dynamic consultative processes, such as the Council for Coordination and Monitoring of the Open Government Partnership[61], the Council for Cooperation between the Government and the Civil Society[62], the Sectoral Working Groups[63], the National Council for Media Reform[64], the National Council for Judiciary Reform, etc.

In terms of legal acts[65], there are several that provide the basis for inclusion of the public in the policy creation processes, i.e., they regulate this issue, such as, for example: the Rules of Procedure of the Government of the Republic of North Macedonia, Strategy of the Government of the Republic of North Macedonia for Cooperation with and Development of Civil Society,[66] the Code of Good Practices for the participation of the civil sector in the policy-making process, the Methodology for regulatory impact assessment, the Guidelines on the Manner of Acting in the Work of Ministries in the Regulatory Impact Assessment Implementation Process, the Rulebook on organization of public consultations when initiation a legislative process, etc. The Unique National Electronic Registry of Regulations is the channel through which electronic consultations on draft laws take place.

---

61 Established in order to introduce a more structured approach to the processes of Open Government Partnership by maximizing participation and engagement, as well as monitoring and directing the implementation of the action plans on Open Government Partnership. Downloaded from: https://cutt.ly/LKKGXcO.

62 It was established as an advisory body of the Government for the promotion of cooperation, dialogue and encouraging the development of the civil society in the Republic of North Macedonia. Downloaded from: https://www.nvosorabotka.gov.mk/?q=mk/node/99.

63 Dialogue to the EU. Sectoral working groups. Downloaded from: https://cutt.ly/iKKG06Y.

64   INVITATION (For nomination of the representatives in the National Council for Reforms in the Media Sphere). Ministry of Information Society and Administration. Downloaded from: https://cutt.ly/lKKHs5u.

65 The Constitution of the Republic of North Macedonia, the Law on Referendum and other forms of immediate declaration, the Law on the Operation of the Government of the Republic of North Macedonia, the Law on the Organization and Operation of State Administration Bodies, etc.

66 Strategy of the Government for cooperation with and development of the civil society. Downloaded from: https://cutt.ly/DKKHhGS.

All ministries are obliged to publish draft laws on the UNERR and on their official websites for public consultations for a period of at least 20 days before the governmental procedure can continue. The feedback gathered during the period of consultations with the stakeholders is also summarized in the Regulatory Impact Assessment (RIA) reports of the ministries proposing them, with an explanation why they were accepted or not. In October 2021, the Government adopted the Annual Report on the implementation of the process of Regulatory Impact Assessment - RIA (January - December 2020), in which it was established that the RIA procedure was complied with for 121 draft laws from a total of 134 draft laws that were adopted by the Government.

Due to the existence of a central platform, such as the UNERR, the Government and all ministries have been positively assessed for providing the opportunity to conduct online consultations. However, on the websites of the ministries, except for the Ministry of Information Society and Administration, there is no special section with the necessary information for the announcement of the policy-making processes with a direct link to UNERR. In only 6 ministries we noticed calls for public debates on their websites (37.5%), however none of the institutions publishes annual plans for public debates. Reports on conducted consultations are not published on the websites of the ministries, however, they are integrated in the Regulatory Impact Assessment reports. Only the Ministry of Environment and Physical Planning in a special section of the website publishes minutes of the held public debates with the stakeholders.[67] According to the guidelines for the development of strategic plans and annual work plans,[68] coordinated planning and implementation of the Government's policies is expected to be ensured by the state administration bodies. However, the general conclusion is that the electronic system for public consultations has not been used to its full potential, and the quality control and the monitoring of the public consultation process should be improved.[69]

4.2.3 Efficiency (strategic planning, reporting, monitoring and evaluation)

Efficiency is an assessment of the institutions' commitment to plan and learn from ongoing processes and improve them through established systems for monitoring, evaluation and learning – by using key targets – indicators during strategic planning and reporting. In two subcategories, as follows: *reporting* and *monitoring and evaluation*, the institutions from the central government were assessed in regard to the following: whether they timely submitted a report on the implementation of the work program; whether they timely submitted an annual financial report for the current year; whether they use performance indicators when formulating the annual program, that is, for the annual report on the previous year's operations. The General Secretariat of the Government has been evaluated in terms of the existence of mechanisms and the comprehensiveness of the legal framework for strategic planning, creation and coordination of policies. One should consider that the interaction with the public and the involvement of stakeholders in the

67   Minutes of public hearings. Ministry of Environment and Physical Planning. Downloaded from: https://cutt.ly/ZKKHDdg.

68   Guideline on the manner of action of the ministries and the other state administration bodies in the process of preparation of the strategic plan and the annual work plan (Official Gazette of the Republic of Macedonia no. 131/18).

69   North Macedonia Report 2021 of the European Commission. European Commission. Downloaded from: https://cutt.ly/tKKXp6K.

policy-making processes, as well as the Regulatory Impact Assessment, as principles of good governance, which were evaluated in the category *Accessibility* with the lowest fulfillment of the indicators, significantly affect the establishing performance of the institutions.

The process of strategic planning is a tool by means of which strategies and policies are established and decisions are made about key priorities and goals, as well as in regard to the allocation of resources. For this reason, it is indicated that strategic planning is one of the basic steps towards fulfilling the mission, that is, the competences of an institution. The monitoring of policy implementation along with proactive public consultations are a part of the same sequence of evidence-based accountable policies development. In this subcategory special attention is paid to the availability of systematic mechanisms that regularly assess the impact, costs and effects of the policies, and as such they are used for the development of strategic plans for the future, relying on data as evidence.

The legal framework for strategic planning, creation and coordination of policies[70] has been defined and it includes harmonized legal regulation and by-laws through which efficient mechanisms and procedures are provided for the implementation and monitoring of the process with appropriately determined competence. The ministries prepare medium-term (three-year) strategic plans that should contain the planned policies within their competence and on the basis of which the budget in the relevant area should be planned. However, this process is carried out formally, whereby enough attention is not paid to the interconnection of government and sector priorities, planned and undertaken activities for the next period with appropriate allocation of the necessary funds.[71]

Strategic planning helps the ministries and executive authorities to structurally and continuously plan the programs, projects and activities stipulated in the National Programme for Adoption of the Acquis Communautaire (NPAA)[72], to monitor their implementation and to adapt to all changes. In fact, the strategic plans of the ministries and other state administration bodies should elaborate in detail the measures and activities stipulated in the NPAA, that is, the compliance of the two acts should be ensured.[73]

---

70 Law on the Government, Law on Budgets, Rules of Procedure of the Government of the Republic of Macedonia, Methodology for Policy Analysis and Coordination (Official Gazette of the Republic of Macedonia, no. 56/06), Methodology for Strategic Planning and Preparation of the Annual Program for the Operation of the Government of the Republic of Macedonia (Official Gazette of the Republic of Macedonia, no. 124/08 and 58/18), Guidelines on the manner of action of the ministries and the other state administration bodies in the process of preparation of the strategic plan and the annual work plan (Official Gazette of the Republic of Macedonia, no. 131/18), Guidelines for preparation of the strategic plans of the ministries and the other state administration bodies, Guidelines on the manner of action of the ministries and the other state administration bodies in the process of monitoring, evaluating and reporting on the implementation of the strategic plan and the annual work plan (Official Gazette of the Republic of Macedonia, no. 130/18), Methodology for regulatory impact assessment (Official Gazette of the Republic of Macedonia, no. 107/13 and 173/17), Methodology for assessment of the implementation of the regulation (Ministry of Information Society and Administration, 2013), Guidelines on the manner of action in the operation of the ministries in the process of implementing a regulatory impact assessment (Official Gazette of the Republic of Macedonia, no. 106/13), Decision on the form and the content of the Report on the regulatory impact assessment (Official Gazette of the Republic of Macedonia, no. 106/13), Code of good practices for the participation of the civil sector in the policy-making process (Official Gazette of the Republic of Macedonia, No. 99/11, Rulebook on the organization of public consultations at the start of a legislative process.

71 Public Administration Reform Strategy (2018 – 2022). Ministry of Information Society and Administration. Downloaded from: https://cutt.ly/hKKHZkd.

72 Databases. Secretariat for European Affairs. Downloaded from: https://cutt.ly/RKKH4QL.

73 Handbook for strategic planning. Government of the Republic of North Macedonia. Downloaded from: https://cutt.ly/LKKHC6r.

The General Secretariat follows a monitoring and assessment framework according to which they plan and report their work on an annual basis. The strategic plan of the General Secretariat of the Government of the Republic of North Macedonia for the period 2022-2024 is aligned with the Budget of the Republic of North Macedonia.[74] In addition, the General Secretariat of the Government published a Report on the implementation of the Annual Work Plan of the Government for 2021.[75] The report contains general information about the achievement of the results, and the data is not published in an open format.

Through the efficiency indicators, the executive power (the Government, ministries and executive bodies) was assessed with 54.66% fulfillment of the indicators. Individually, the executive authorities in this category are at the bottom of the scale in terms of the fulfillment of the efficiency indicators with 33.79%, the ministries are ranked higher with 50.31% fulfillment of the indicators, and the Government is best ranked with 79.90% fulfillment of the efficiency indicators.

Regarding the use of the success indicators during planning, 56.25% of the ministries report that they apply them, and half of them (50%) also use success indicators when preparing reports on their work. The result is lower among the executive bodies, that is, 1/3 of the executive bodies report that they use success indicators during planning. and 1/4 of them use success indicators in the preparation of the reports on their work.

Fifty-six percent of the ministries timely submitted a report on the implementation of the work program to the Government, and 62.5% of them timely submitted an annual financial statement for the current year. The fulfillment by the executive bodies is weaker, that is, 45.45% timely submitted the annual report, and 51.5% timely submitted the annual financial statement for the current year.

It remains necessary to strengthen the institutional and human capacities for coordination of the medium-term planning process and its connection with the sector strategies, the budgeting and the annual planning. Finally, the strengthening of the role of the General Secretariat as a central body for coordination and quality control remains insufficient.[76]

4.2.4. Integrity

Corruption is one of the most severe problems nowadays. Corruption leads to wrong public policies, unnecessarily wastes public resources, widens the economic and social inequalities, creates discontent and political polarization and reduces the trust in institutions that should serve the public interest.

Traditional approaches based on creating as many rules as possible, stricter compliance of legislation and stricter enforcement, clearly have limited effectiveness. Many authors who

74 Strategic planning. Government of the Republic of North Macedonia. Downloaded from: https://cutt.ly/PKKJffN.

75 Report on the implementation of the annual work plan of the General Secretariat for 2021. Government of the Republic of North Macedonia. Downloaded from: https://cutt.ly/xKKJj6W.

76 North Macedonia Report 2021 of the European Commission. European Commission. Pg. 13. Downloaded from: https://cutt.ly/tKKX-p6K.

research this topic, conclude that the strategic and sustainable response to corruption must be the public integrity.[77]

Integrity represents an intersection of the values of individuals and the institution, and as such, it is difficult to define and control it. However, in its essence, integrity implies legal, independent, impartial, ethical, responsible and transparent performance of works, and thereby the officials protect their reputation and the reputation of the institution where they are engaged as a responsible person or an employee, they eliminate risks and suspicions about the possibility for the emergence and development of corruption and in this way they ensure the confidence of the citizens in the performance of public functions and in the work of public institutions.[78] From today's point of view, when the country has shown a trend of improving its position in the fight against corruption,[79] it is important to create and impose a vision for a public integrity strategy, while removing the focus from the ad hoc integrity policies, through an approach that is based on the culture of the integrity. That is why it is important to have mechanisms that will prevent cases of exposure to bribery and use of personal connections, to widespread practices of nepotism, cronyism, clientelism, that is, the abuse of political influence that is happening among the elites.[80] A part of these mechanisms are the integrity policies, ethical codes, whistleblower protection rules, mechanisms to prevent conflicts of interest, regulation of lobbying, etc. Therefore, in this subcategory, these are observed as ways through which the emergence of political influence, that is, the abuse of power, can be prevented and controlled.

The Government has reached a high level of fulfillment of the index points in this subcategory, with 84.6%, because it was evaluated for the existence and availability of the policies affecting the prevention of corruption, building a system of integrity, the rules for the publication of asset declarations by the elected and appointed officials in order to submit data on their property status, and which can be publicly announced,[81] and the rules for the protection of whistleblowers. The National Strategy for Fight against Corruption (2021-2025) was adopted in the year which is the subject of observation of the Openness Index[82]. The Government also adopted a Plan for Fight against Corruption - Action 21,[83] which includes measures to fight against organized crime, reforms in the elections and the judicial system, as well as dealing with nepotism, cronyism and influence in employment practices in public places[84]. In addition, the high rating is influenced by the availability of all relevant policies on the Government's website. Hence, the Code for Administrative Officials and the Code of Ethics for Government members and public office holders appointed by the Government have been published on the Government's website,[85] and a special

77   Terms and Conditions, OECD. Downloaded from: https://www.oecd.org/termsandconditions/.

78   Integrity policy of state authorities. State Commission for Prevention of Corruption. Downloaded from: https://cutt.ly/JKKFc86.

79   Corruption Perceptions Index, Transparency International. Downloaded from: https://cutt.ly/hKKJVPD.

80   nti-corruption efforts in North Macedonia: strategies for building constructive engagement. Open Society Foundation of Macedonia. 2020. Downloaded from: https://cutt.ly/6KKKjBW.

81   A The data from the asset declarations on the property status of the elected and appointed officials. State Commission for Prevention of Corruption. Downloaded from: https://www.dksk.org.mk/imoti_2/.

82   National Strategy for Fight against Corruption (2021 – 2025) with an Action Plan. State Commission for Prevention of Corruption. Downloaded from: https://cutt.ly/CKKKm31.

83   Action 21 – Plan for Fight against Corruption. Government of the Republic of North Macedonia. Downloaded from: https://cutt.ly/3KKKLS8.

84   Corruption Perceptions Index for 2021. Transparency International. Downloaded from: https://cutt.ly/1KKKBe0.

85   Code. Government of the Republic of North Macedonia. Downloaded from: https://vlada.mk/kodeks.

section with information on the protection of whistleblowers has been established.[86] The Government was positively assessed for having accepted an integrity policy which is also publicly available.[87] It received negative index points because it did not publish an annual report on the implementation of the integrity policy and due to the absence of educational activities for officials on topics such as conflict of interest, prevention of corruption and protection of whistleblowers. It can be concluded that a stronger implementation of the policies is required,[88] which should enable assessment of their efficiency, and will be felt by the citizens who consider that corruption is the biggest problem[89]

Regarding the achievements of the ministries, 15 of them have information on the protection of whistleblowers, and 7 report that officials participated in educational activities on topics such as prevention of corruption, conflict of interests and protection of whistleblowers in 2021. This year,[90] half of the ministries have published a policy on the integrity of websites, that is, the Ministry of Internal Affairs, the Ministry of Transport and Communications, the Ministry of Environment and Phycial Planning, the Ministry of Defense, the Ministry of Labor and Social Policy, the Ministry of Education and Science, the Ministry of Local Self-Government and the Ministry of Information Society and Administration. Among the executive authorities, the fulfillment of the indicators in this subcategory is significantly weaker. As many as 54.5% of the executive bodies have information on their websites about the protection of whistleblowers and only three institutions (9.1%), identical to the previous year, reported that the officials participated in educational activities on topics such as prevention of corruption, conflict of interest and whistleblower protection in 2021. The number of executive bodies that reported about established internal integrity policies has increased threefold (17), compared to last year. These data show that in addition to having a legal framework in place, it is necessary to work on its enhanced implementation. The development of a merit-based public and professional service will increase accountability and will prevent politicization, thus significantly reducing the risk of conflict of interest and corruption.

The percentage of fulfillment of the indicator by the ministries (6.25%) and the executive bodies (3%) is very low in terms of the preparation and publication of the reports on the implementation of integrity policies and/or any other internal anti-corruption policy that envisages measures to prevent and eliminate the different forms of corrupt and unethical behavior in the institution. Of the ministries, only the Ministry of Defense[91] has published a report on the implementation of the Integrity Plan for 2021, and of the observed executive bodies, such a report was published by the Secretariat for Legislation.[92]

86   Protection of whistleblowers. Government of the Republic of North Macedonia. Downloaded from: https://vlada.mk/ukazuvaci.

87   Integrity policy of the General Secretariat of the Government of the Republic of North Macedonia. State Commission for Prevention of Corruption. Downloaded from: https://cutt.ly/0KKK6WK.

88   GRECO 2021, Compliance Report on North Macedonia, Fifth Evaluation Round – Preventing Corruption and Promoting Integrity in Central Governments (Top Executive Functions and Law Enforcement Agencies) Downloaded from: https://cutt.ly/JKKLvwe.

89   Corruption Assessment Report, Macedonian Center for International Cooperation. 2021. Downloaded from: https://cutt.ly/pKKLEZe.

90   In 2020 only the Ministry of Local Self-Government had prepared and published an Integrity Plan, p. 42. Downloaded from: https://cutt.ly/5KKLDId.

91   Strategic documents. Ministry of Defense. Downloaded from: https://cutt.ly/ZKKL8il.
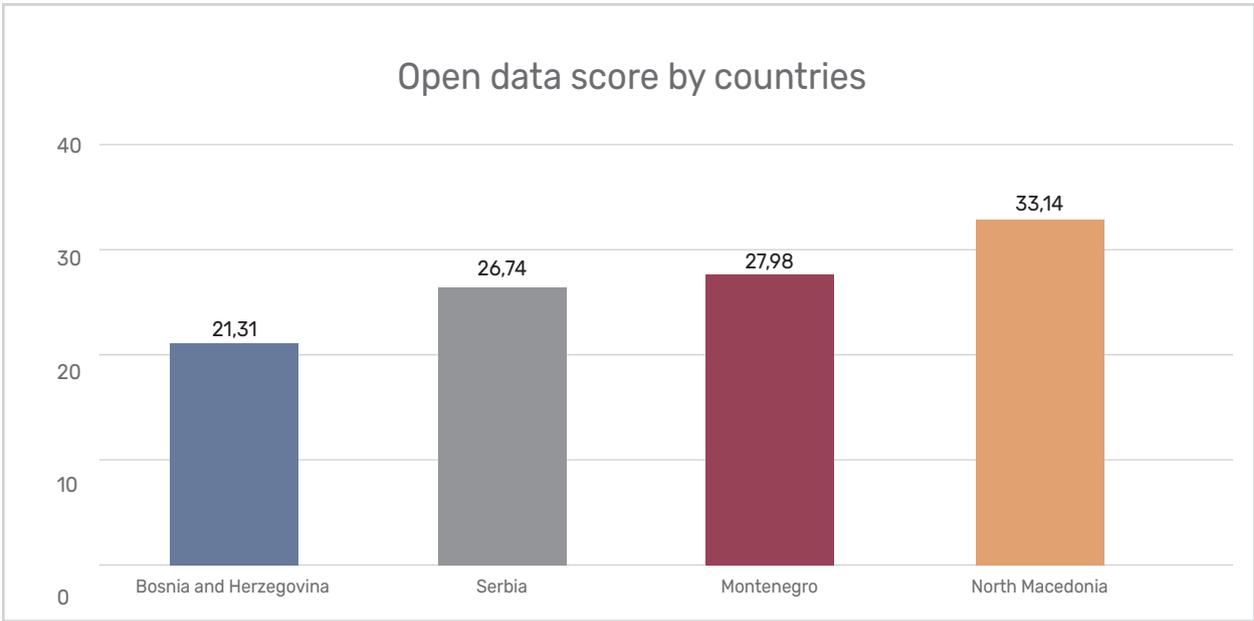
92   Report on the annual plan for the prevention of corruption in the Secretariat for Legislation in 2021. Secretariat for Legislation. Downloaded from: https://cutt.ly/yKKZfzv.

Regarding lobbying as part of the framework that regulates it in the observed year, there has been partial progress, considering that a new Law on Lobbying was adopted,[93] in order to prevent the illegitimate influence on public policies and processes and possible corrupt effects.

Through the integrity indicators, the executive power (the Government, ministries and executive bodies) was assessed with 52.75% fulfillment of the indicators. Individually, the executive bodies in this category are at the bottom of the scale in terms of fulfillment of the integrity indicators with 29.55%, the ministries are better ranked with 64.00% fulfillment of the indicators and the Government is best ranked with 64.71% fulfillment of the integrity indicators.

4.2.5. Open data

Open data is observed in this research as a common pillar of good governance by assessing the degree of openness of all documents and data reviewed through the Openness Index. The regional overview shows the best results for North Macedonia, although it has modest 33.14% fulfillment of the indicators (individually the Government fulfills 49.5%, the ministries fulfill 34.45%, while the executive bodies fulfill 31.74% of the open data indicators.[94]

Open data score by countries

Bosnia and Herzegovina	Serbia	Montenegro	North Macedonia
21,31	26,74	27,98	33,14

At the policy level, an Open Data Strategy (2018-2020) and an Action Plan have been created,[95] as well as Law on the use of public sector data, a Rulebook on Open Data and an updated portal of open data (data.gov.mk), followed by other guidelines and methodologies

93 Lobbying. State Commission for Prevention of Corruption. Downloaded from: https://cutt.ly/xKKZlnb.

94 Ranking list of institutions with degree of fulfillment of open data indicators, Annex 2.

95 Open Data Strategy (2018 – 2020) and Action Plan. Ministry of Information Society and Administration. Downloaded from: https://cutt.ly/jKKZPYr.

to support the process. In addition, the Republic of North Macedonia adopted the International Open Data Charter in 2018. In the National Action Plan for Open Government Partnership (2021 – 2023) all commitments are intertwined with measures to increase the data sets in an open format. It is important to mention that in the previous action plans, the topic of open data was singled out, while now it is horizontal. For example, in previous action plans there was a special commitment for open data about the property status of elected and appointed persons and open data on climate change at the national and local level. The institutions report that they lack trained staff to use and publish open data, and it is evident that the civil society plays a key role in developing the public sector capacities in this area. As part of USAID's Civic Engagement Project, the Metamorphosis Foundation trained 59 civil servants on open data in 2021.

Out of a total of 50 institutions that make up the sample of institutions that were monitored with our research, only two ministries (the Ministry of Information Society and Administration and the Ministry of Education and Science) and two executive bodies (the Public Procurement Bureau and the State Sanitary and Health Inspectorate) reported that officials from their institutions had educational activities/workshops/trainings on open data in 2021. To present day, the open data portal (data.gov.mk) contains twice as many data sets compared to the previous measurement, that is, 550 groups of data published by 72 organizations, most of them from institutions or agencies at the executive level. The Metamorphosis Foundation also continuously trains the institutions to open their datasets and 30 groups of sets were created through this support, from 10 institutions at the central level. Currently, in the field of opening data sets, the Metamorphosis Foundation cooperates with the Ministry of Environment and Physical Planning, the Employment Service Agency of the Republic of North Macedonia, the Agency for Protection of Personal Data, and the Pension and Disability Insurance Fund.

Open data

31,74		Executive bodies
34,45		Ministries
49,5		Executive
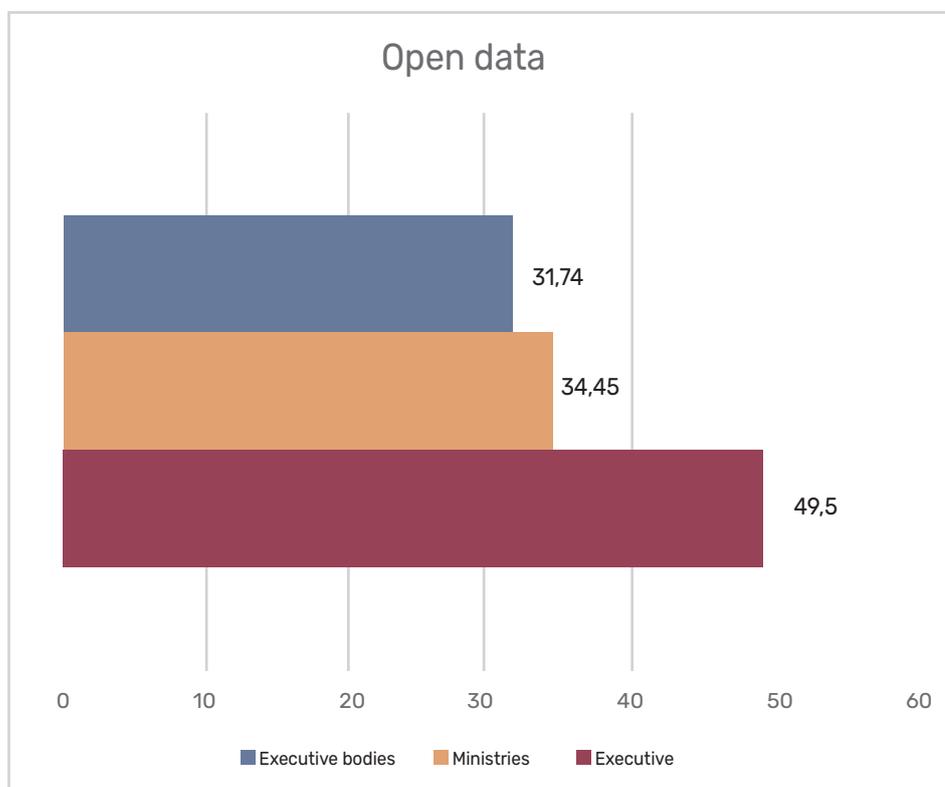
The Metamorphosis Foundation, in cooperation with the Ministry of Information Society and Administration, and through USAID's Civic Engagement Project, provided technical support for the preparation of the new draft law on the use of public sector data, which should be added to Unique National Electronic Registry of Regulations soon.

4.2.6. Conclusion

A general conclusion that arises from the observed institutions in the Openness Index, which is repeated several years in a row, is the existence of a direct correlation between the hierarchy of the institutions and the decline in their ratings. This means that the engagement and application of openness standards are at different levels in different executive government structures, therefore the concept of openness must be addressed systemically.

This year, the total result of the executive power (the Government, ministries and executive bodies) reaches 60.93% fulfillment of openness indicators. The executive bodies have the lowest score according to the Index, that is, 41.54% fulfillment of the indicators, compared to the average of the ministries that fulfill 58.56%, and the Government, which has the highest total score, i.e., 82.71% fulfillment of the indicators.

In the subcategories, the executive power has the highest score for the transparency indicators, i.e., 55.65%, followed by 54.66% fulfillment in the *efficiency* subcategory, and then 52.75% fulfillment in the *integrity* subcategory, and the lowest score for accessibility of 51.09%. Given that accessibility indicators assess the extent to which the right to access information is guaranteed by law and in practice, as well as the quality of mechanisms for inclusion and consultations in policy-making processes, most of the recommendations outlined in this document actually require effective implementation of existing policies by the ministries and the executive bodies.

Of the 33 observed executive bodies, almost 1/3 (9 executive bodies) do not have websites and largely rely on the respective supervisory institution for the transparency of their operation. It is evident that the higher the hierarchy of the institution, the more likely it is for the institution to invest funds for the transparency of its operation and for public relations. The research also requires a direct connection between the results of the ministries and the ratings of the agencies that supervise them, however this was not obvious. Therefore, central policies such as the Transparency Strategy and the Government's Communications Strategy and the established minimum standards for public transparency and accountability should be accepted and implemented by all institutions of the central government.

The conclusion that it is of utmost importance to make a difference between the quality of the legal framework in the country and its implementation is reiterated. The implementation, monitoring and reporting mechanisms are equally important as the texts themselves, to ensure the effectiveness of these policies and to sustain their positive results. Therefore, it is important to thoroughly and systematically plan the reform processes, addressing the various variables that contribute to the problem, rather than just implementing superficial interventions.

The Openness Index is an appropriate tool that can be used as a guideline by the government, but also by each institution separately, in order to strength its good governance. Websites

are legitimately the most verifiable source of information on openness, as well as a tool for interaction with the public and accountability to the public, and they must be used effectively to communicate all aspects of the competences of the relevant institutions. The institutions must focus on proactive publishing of all documents in the most open format available. Consequently, the websites should take a central position in all openness policies of the institutions in order to improve the availability as well as the quality of information and data. At the same time, it is high time that all executive bodies create their own online space (independent websites or a separate section of the website of their line ministries) where they exchange and update information and communicate with the citizens.

As a conclusion, despite the evident differences in the definition of the concept of good governance, there is an overall consensus among theorists and practitioners that good governance, defined as a system that responds to people's needs, is positively related to the public trust in the institutions. The public trust in the institutions is the result of the implementation of good governance policies, but also a prerequisite for the governments to be able to undertake structural and fundamental reforms that are required in the country. Therefore, the primary need to observe the principles of good governance of any Government and its units is often focused on the provision of legitimacy and trust of the public they serve and represent. The increased public trust in the impartiality of the institutions and their public officials, based on integrity, will lead the Government to the goal - to secure and maintain its legitimacy.

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

Transparency

- All executive bodies must have their own websites or a special section should be created on the website of the relevant ministries, in order to enable active transparency, direct interaction with the public and accountability. Functional search engines should be provided on the websites of the executive bodies.

- The institutions should introduce internal procedures that will strengthen the process of reactive, but also active transparency, with established deadlines and persons in charge of sharing and updating information on the websites.

- The institutions must mandatorily publish annual work programs and regularly publish reports on their work. Quarterly or half-yearly reports should be more frequently prepared and published.

- The Government should publish the documents that are reviewed and discussed during the sessions, as well as transcripts of the meetings. On the other hand, audio and/or video broadcasting of the sessions that would provide direct access to the public to follow the decision-

making process related to policies that directly affect them, would be an additional good practice that should be considered.

- The Government should conduct consultations with the public when planning the budget, and it should publish information on its website about the spending of budget reserves.

- The Government should submit the draft law on the Budget to the Assembly at least three months before the end of the fiscal year, to ensure sufficient time for effective review.

- The institutions must regularly publish their own budget plans and annual and semi-annual financial statements.

- To regulate the possibility for the officials who conduct public procurements, to be obliged to fill out a declaration of conflict of interest and to submit asset declarations about the property status.

- To announce the real owners of the bidders and the companies that appear on the calls for public procurement, and those that have concluded an agreement with the institutions in a public procurement procedure. To establish a register of the real owners.

- The institutions should connect the data related to public procurements (with a link), which are located in the Electronic Public Procurement System, with their own websites.

- The institutions should take specific measures in the standardization of public procurements.

Accessibility

- The institutions should publish on their website the answers wherewith they provided access to the information after a submitted request (from reactive to active access), which would reduce the repetition of received requests in writing for the same information.

- The institutions should proactively publish the set of documents, data and information set out in Article 10 of the Law on Free Access to Public Information, and in this way, they will influence on the increase of active transparency.

- To reduce the maximum deadline for responding to requests for free access to public information from 20 to 15 days, considering that this is a reasonable waiting period according to the international standards and the established regional practice.

- The executive bodies should introduce a special space (section) on the websites dedicated to the procedure with requests for free access to information.

- The officials should be regularly trained on international and domestic standards for improving access to information, and this will reflect on the increase in the rate of responses and the quality of the very responses to the requests.

- The institutions should introduce direct channels on the websites for online communication in order to enable easier interaction with citizens. The channels should provide an opportunity for the citizens to submit petitions or proposals.

- The websites should provide clear instructions and promote available complaint mechanisms.

- Simultaneously with the enhancement of websites, the institutions also need to improve their presence on social media by regularly publishing service information for the public, and focus them on raising awareness of the rights, processes and mechanisms that are not so well known among the wider public.

- The institutions, especially the executive bodies, should publish lists of the services they offer on the website, and they need to insert a link to the portal www.uslugi.gov.mk, in a visible spot. In addition, the institutions should increase the promotion of the portal www.uslugi. gov.mk on social media.

- Policy-making processes should be planned in advance, and therefore need to be predictable, that is, the annual plans for stakeholder consultations should be published on the websites. In addition, these plans should be timely shared and distributed to the stakeholders, and they need to be promoted so that the public can know the timeline, to plan and prepare for the upcoming policy-making processes. Timely and effective communication with the public about public consultation processes is of the utmost importance in obtaining a substantive input from the stakeholders.

- The institutions should create a special section on their websites, with the necessary information for announcing the policy-making processes and with a direct link to the Unique National Electronic Registry of Regulations (UNERR).

- Quality control of public consultations should be established. In order to ensure trust in the consultation process and to encourage participation, institutions should provide feedback from the consultations, that is, they should create minutes from the consultation processes, as a follow-up activity, with explanations why some proposals were not accepted.

Efficiency

- The institutions should use success indicators during the planning process, and success indicators during the preparation of reports on their work.

- The role of the General Secretariat for quality control and monitoring of the implementation of existing policies needs to be implemented.

- • The Government must reduce the trend of the number of draft laws that are proposed in a summary proceeding to ensure that their quality is not jeopardized and/or to reduce the participation of the stakeholders in the consultations.

- • The Government must avoid policy changes without evidence that the proposed changes will provide significant improvement. Commitment and establishment of a practice for conducting ex ante and ex post analyzes are required.

- • All institutions should improve the consistent use of data for administrative purposes and base their planning and reporting thereon.

Integrity

- The institutions should work rapidly on the preparation of the integrity policy that is expected to be published on their websites, as well as to dedicate themselves to the preparation and publication of the reports on the implementation of the integrity policies.

- The institutions should significantly increase the educational activities for the officials on topics such as conflict of interest, prevention of corruption and protection of whistleblowers.

- It is necessary to improve the system for monitoring the property status of elected and appointed persons. Improvement of the format in which asset declarations are published in an open format. Strengthening of the competences of the State Commission for Prevention of Corruption to enable public availability of asset declarations even after the termination of the mandate.

- • It is necessary to strengthen the monitoring and reporting instruments regarding the legal and political framework in this area, in order to generate data on its implementation and to increase the trust in the system.

Annex 1: Ranking list of institutions with degree of fulfillment of the openness indicators

GOVERNMENT AND MINISTRIES OF THE REPUBLIC OF NORTH MACEDONIA	% OF FULFILLMENT OF THE OPENNESS INDICATORS
Government of the Republic of North Macedonia	82,71%
Ministry of Defense	81,88%
Ministry of Internal Affairs	76,1%
Ministry of Education and Science	71,81%
Ministry of Information Society and Administration	71,06%
Ministry of Finance	71,06%
Ministry of Environment and Physical Planning	67,15%
Ministry of Labor and Social Policy	67,15%
Ministry of Economy	61,74%
Ministry of Local Self-Government	58,19%
Ministry of Foreign Affairs	52,59%
Ministry of Culture	50,91%
Ministry of Health	49,61%
Ministry of Justice	48,3%
Ministry of Agriculture, Forestry and Water Economy	46,81%
Ministry of Transport and Communications	41,59%
Ministry of Political System and Inter-Community Relations	21,06%

EXECUTIVE BODIES	% OF FULFILLMENT OF THE OPENNESS INDICATORS
Secretariat for Legislation	71,47%
State Inspectorate for Construction and Urban Planning	69,23%
Food and Veterinary Agency	69,21%
State Agriculture Inspectorate	66,49%
State Statistical Office	65,14%
State Sanitary and Health Inspectorate	61,97%
State Labor Inspectorate	60,61%
Public Procurement Bureau	61,52%
Commission for Relations with Religious Communities and Religious Groups	61,52%
State archive of the Republic of North Macedonia	60,16%
Bureau for Regional Development	58,8%
Agency for Medicines and Medical Devices	51,11%
State Environmental Inspectorate	49,3%
Financial Police Office	50,66%
Financial Intelligence Office	41,61%
Emigration Agency of the Republic of North Macedonia	41,15%
Geological Institute of the Republic of North Macedonia	40,72%
Agency for Commodity Reserves	39,37%
Agency for Youth and Sport	38,89%
Secretariat for European Affairs	38,21%
Administration for Execution of Sanctions	37,08%
State Inspectorate for Technical Inspection	34,82%
Bureau of Forensic Expertise	33,91%
Pedagogical Service	30,77%
National Hydrometeorological Service	25,32%
Bureau of Metrology	24,43%
Office of Veterans and Disabled Veterans Affairs	23,53%
Plant Protection Administration	18,1%
Water Economy Administration	17,19%
Seed and Seed Material Administration	15,38%
Office for Development and Promotion of Education in the Languages of the Members of the Communities	7,24%
Port Authority	3,62%
Spatial Information System Service	2,26%

GOVERNMENT AND MINISTRIES OF THE REPUBLIC OF NORTH MACEDONIA	% OF FULFILLMENT OF THE OPENNESS INDICATORS
Government of the Republic of North Macedonia	49,5%
Ministry of Defense	53,78%
Ministry of Information Society and Administration	45,1%
Ministry of Internal Affairs	45,1%
Ministry of Finance	42,9%
Ministry of Labor and Social Policy	40,7%
Ministry of Environment and Physical Planning	37,4%
Ministry of Local Self-Government	36,3%
Ministry of Health	35,54%
Ministry of Education and Science	35,2%
Ministry of Culture	31,9%
Ministry of Agriculture, Forestry and Water Economy	29,7%
Ministry of Economics	28,6%
Ministry of Justice	25,3%
Ministry of Foreign Affairs	24,2%
Ministry of Transport and Communications	24,2%
Ministry of Political System and Inter-Community Relations	15,23%

EXECUTIVE BODIES	% OF FULFILLMENT OF THE OPENNESS INDICATORS
State Archive of the Republic of North Macedonia	52,8%
State Inspectorate for Construction and Urban Planning	50,16%
Food and Veterinary Agency	50,16%
Commission for Relations with Religious Communities and Religious Groups	49,5%
Secretariat for Legislation	48,84%
Bureau for Regional Development	47,52%
State Agriculture Inspectorate	44,88%
State Statistical Office	44,88%
State Sanitary and Health Inspectorate	47,52%
State Labor Inspectorate	42,24%
Agency for Medicines and Medical Devices	42,24%
Public Procurement Bureau	39,6%
State Environmental Inspectorate	39,6%
Pedagogical Service	36,96%
Financial Police Office	34,32%
Secretariat for European Affairs	31,68%
Financial Intelligence Office	31,68%
Emigration Agency of the Republic of North Macedonia	31,68%
Agency for Commodity Reserves	29,04%
Agency for Youth and Sport	29,04%
Geological Institute of the Republic of North Macedonia	28,7%
Bureau of Forensic Expertise	27,72%
State Inspectorate for Technical Inspection	26,4%
Bureau of Metrology	23,76%
National Hydrometeorological Service	22%
Administration for Execution of Sanctions	21,12%
Office of Veterans and Disabled Veterans Affairs	21,12%
Plant Protection Administration	18,48%
Seed and Seed Material Administration	17,88%
Water Economy Administration	7,92%
Office for Development and Promotion of Education in the Languages of the Members of the Communities	2,64%
Port Authority	2,64%
Spatial Information System Service	2,64%

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 improved 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 include:

• Media for Democracy

• Education for Innovation

• Social Accountability

• Human Rights Online