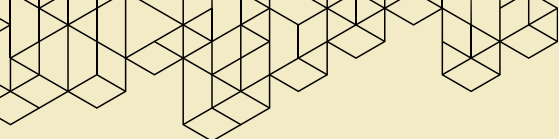


# ASSESSMENT OF THE GOOD GOVERNANCE OF THE EXECUTIVE BRANCH IN **NORTH MACEDONIA AND THE REGION** THROUGH THE OPENNESS INDEX

ACCORDING TO THE MEASUREMENT FOR 2023





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**AUTHOR:** DANCHE DANILOVSKA BAJDEVSKA

**EDITOR:** BARDHYL JASHARI

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## 1. INTRODUCTION

According to the North Macedonia Report 2023 of the European Commission<sup>1</sup>, the period was characterized by the start of the EU accession negotiations, as well as the screening process. It was highlighted that throughout the year, the political situation remained polarized, affecting the proper functioning of democratic institutions. North Macedonia continued its efforts to strengthen democracy, while facing significant challenges in the area of the rule of law. It was noted that the sharing of administrative data needs to be expanded and that data should be simplified to better inform about the policy-making process and the new legislation. It was pointed out that the government needs to increase its efforts in engaging civil society in priority areas and consultative activities in the future, ensuring that civil society organizations play a key role in the reform process and are included in the decision-making processes.

The Government of the Republic of North Macedonia, elected in January 2022, committed itself “to be guided by the fundamental and advanced principles of good governance, that is, responsibility, efficiency, accountability, honest work, inclusiveness and availability”<sup>2</sup>. The characteristic that should be noted regarding 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 “ensure that the creation and implementation of good governance policies is an imperative, aimed at providing professionalism, efficiency and transparency in society”<sup>3</sup>.

According to this year’s Openness Index measurement, **the Government of North Macedonia was the most open institution** among the groups of institutions in 2023 (Government, ministries and executive bodies), **fulfilling 78.33% of the established openness criteria**. Compared to the previous year, the Government marked a slight decline in meeting the criteria. However, from a regional perspective, where the average fulfilment of indicators by governments is 59.10%, the result is rather good, as for five consecutive years, the Government of North Macedonia has ranked first in the region in meeting these indicators, which also aligns with the commitment of the Macedonian government to focus on the digitalization of the processes within institutions in order to create efficient and effective good governance systems with enhanced transparency and accountability in public finance management<sup>4</sup>.

The last few cycles of the Openness Index measurement show that North Macedonia has achieved the greatest progress regarding the preparation of strategic documents on transparency and openness. It is the first country in the region that decided to regulate its openness policy with a separate document, the Transparency Strategy of the Government of the

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<sup>1</sup> North Macedonia 2023 Report of the European Commission. Secretariat for European Affairs. Downloaded from: <https://www.sep.gov.mk/post/?id=5657>

<sup>2</sup> Work Program of the Government of the Republic of North Macedonia 2022 – 2024. Government of the Republic of North Macedonia. Downloaded at: <https://cutt.ly/WKKSjQK>.

<sup>3</sup> Ibid.

<sup>4</sup> Work Program of the Government of the Republic of North Macedonia 2022 – 2024. Government of the Republic of North Macedonia. Page 8. downloaded at: <https://cutt.ly/WKKSjQK>.

Republic of North Macedonia<sup>5</sup>, adopted in 2019, and this practice continued in 2022. With expert and financial support from the Metamorphosis Foundation<sup>6</sup>, the Government prepared and adopted a new Transparency Strategy for the period 2023-2026<sup>7</sup>. Furthermore, at the beginning of 2023, the government concluded that the holders of information covered by the Guidelines for Improving the Transparency of Public Sector Institutions<sup>8</sup> should publish all information systematized by areas previously identified as the most frequently requested by citizens and tasked the Agency for Protection of the Right to Free Access to Public Information to report on the implementation of the obligations thereof. Additionally, the pressure and conditioning of the country arising from the EU accession process contributed to making ‘responsibility, accountability and transparency’<sup>9</sup> a priority, particularly through the public administration reform. North Macedonia also adopted a Plan on Good Governance Policies<sup>10</sup> for 2023 that contains 24 goals accompanied by a series of activities.

Overall, retaining the first rank according to the regional Openness Index through the fulfilment of the openness indicators is a result of the preparation and adoption of the aforementioned acts, as well as a series of other legal acts and tools<sup>11</sup> that directly and indirectly regulate the openness and transparency of the executive branch in North Macedonia.

This paper analyses the openness of the central government institutions in North Macedonia in 2023. 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 the political life, efficient decision-making and accountability of the institutions for the policies they implement, this paper, on the basis of the analysis of the situation, contains recommendations for the institutions on how to improve their performances.

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<sup>5</sup> Transparency Strategy of the Government of the Republic of North Macedonia (2019-2021) with an Action Plan, available at <https://vlada.mk/nacionalni-strategii>

<sup>6</sup> Metamorphosis Foundation: [https://metamorphosis.org.mk/aktivnosti\\_arhiva/metamorfozis-so-poddrshka-na-procesot-zakreiranje-na-strategija-na-transparentnost-na-vladata-ke-pridonese-vo-unapreduvanje-na-procesot-na-transparentnost-na-vladata-i-institucite/](https://metamorphosis.org.mk/aktivnosti_arhiva/metamorfozis-so-poddrshka-na-procesot-zakreiranje-na-strategija-na-transparentnost-na-vladata-ke-pridonese-vo-unapreduvanje-na-procesot-na-transparentnost-na-vladata-i-institucite/)

<sup>7</sup> 121<sup>st</sup> session of the Government, 24.01.2023, Information About the Need to Prepare a Transparency Strategy of the Government of the Republic of North Macedonia with an Action Plan (2023-2026), available at <https://vlada.mk/vladini-sednici?page=1>

<sup>8</sup> The Agency for Protection of the Right to Free Access to Public Information, in collaboration with the Cabinet of the Deputy Prime Minister in charge of Good Governance Policies and the Center for Change Management, prepared Guidelines for Improving the Transparency of Public Sector Institutions, available at: <https://aspi.mk/%D0%BD%D0%BE%D0%B2%D0%BE%D1%81%D1%82%D0%B8/%d0%bf%d1%80%d0%b5%d0%b7%d0%b5%d0%bd%d1%82%d0%b8%d1%80%d0%b0%d0%bd%d0%be-%d1%83%d0%bf%d0%b0%d1%82%d1%81%d1%82%d0%b2%d0%be%d1%82%d0%be-%d0%b7%d0%b0-%d0%bf%d0%be%d0%b4%d0%be%d0%b1%d1%80%d1%83%d0%b2/>

<sup>9</sup> Public Administration Reform, available at: <https://mioa.gov.mk/?q=mk/node/2103>

<sup>10</sup> Plan on Good Governance Policies, available at [https://vlada.mk/sites/default/files/dokumenti/plan\\_2023\\_public\\_final\\_mk.pdf](https://vlada.mk/sites/default/files/dokumenti/plan_2023_public_final_mk.pdf)

<sup>11</sup> Public Administration Reform Strategy (2023 – 2030), Public Financial Management Reform Program 2022 – 2025, Law on Free Access to Public Information (Official Gazette No. 101/2019), Open Data Strategy 2018 – 2020, Portal <https://data.gov.mk/>, 21 Document Policy imposing the obligation to each Ministry to publish a set of documents on their websites that would ensure their accountability and transparency before the public, Law on Utilization of Public Sector Data etc.

The government, the ministries and each individual institution can be guided by the Openness Index and use it as a tool to advance their good governance practices. The institutions must focus on proactively publishing all documents in the most open format available. Consequently, websites should take a central position in all openness policies of institutions in order to improve the availability, as well as the information and data quality.

Furthermore, the recommendations provided in this document 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.

## 2. METHODOLOGY

The Openness Index provides an in-depth analysis of the performance of the executive branch and the Assembly of the Republic of North Macedonia, while also offering a summary of the overall performance of the relevant institutions in our region. The regional perspective serves as a reference for how countries in the region are progressing toward improving good governance and the rule of law, which aligns with their strategic goal – EU membership.

The Assessment of Good Governance is the result of comprehensive empirical research based on the Openness Index<sup>12</sup>, aimed at determining the extent to which the countries of the region follow good governance principles. It was carried out with the support of the National Endowment for Democracy and the Foundation Open Society – Macedonia and prepared by the Metamorphosis Foundation in cooperation with regional partners from the regional network of CSOs – Accountability, Technology and Institutional Openness Network in South East Europe (ACTION SEE)<sup>13</sup>. The Assessment of Good Governance was carried out in four Western Balkan countries: North Macedonia, Serbia, Montenegro, and Bosnia and Herzegovina.

It is worth mentioning that although the term good governance is often used in political discourse and policy analysis, it remains a fluid concept without a clear definition. Its meaning is mainly shaped by the purpose for its use and the components it focuses on. The widely accepted interpretation is that this term refers to a system of governance that produces results that meet the needs of the society by making best utilization of the available resources.

This definition corresponds to the standards applied in Western liberal democracies that developing countries, such as North Macedonia, look up to and aspire to reach.

The Openness Index is guided by this framework of principles; however, it remains cognizant of both the cultural and historical developments in the country and the region that affect the institutions as well. Its methodology guarantees that the research results are technically and politically valid, and conclusions can be drawn therefrom regarding the level of good governance of the country's institutions. The Openness Index assesses the performances of the executive branch in the area of good governance by focusing on four pillars: (1) accessibility, (2) efficiency, (3) integrity and (4) transparency with one common domain present in all four pillars – open data.

The four pillars of the Openness Index define and assess good governance, along with the following principles:

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<sup>12</sup> The Openness Index consists of 4 different components – (1) transparency, (2) accessibility, (3) integrity and (4) efficiency, each of which measures the openness of different governance branches: local government, central government, judiciary and the Assembly.

<sup>13</sup> Accountability, Technology and Institutional Openness Network in South East Europe (ACTION SEE) is a network of civil society organizations that jointly work on promoting and ensuring government accountability and transparency in the region of South East Europe, raising the potential for civic activism and civic participation, promoting and protecting human rights and freedoms on the internet and building capacities and interest within civil society organizations and individuals in the region in using technology in democracy promotion work.

**accessibility** – 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 policy-making processes;

**efficiency** – reviews the institutions’ commitment to learn from the ongoing processes and to improve them through established monitoring, evaluation and learning systems – by using key points/indicators during strategic planning and reporting;

**transparency** – assesses the public availability of organizational information, the budget and public procurement procedures, while

**integrity** assesses the presence of mechanisms to prevent conflicts of interests and to regulate lobbying, as well as the availability of a code of ethics that will guide and sanction the behavior of civil servants and the public administration.

Each pillar of the Index consists of sub-domains and indicators measured according to a corresponding value within the pillars.

The methodology was developed in consultation with a number of credible resources, while emphasizing the best international practices and standards for good governance, such as the World Bank and the Institute, the Organization for Economic Cooperation and Development, the Open Government Guide, the Global Integrity Report and the Governance and Institutional Quality Indicators developed by the World Bank.

This year's research was conducted in the period from **February to May 2024**. The sample of targeted institutions consists of **a total of 36 institutions, including the Government/General Secretariat, 16 ministries and 19 randomly selected executive bodies within the ministries**. The research methods consist of (1) monitoring the websites of the targeted institutions according to a series of indicators, (2) a questionnaire delivered to the institutions to confirm the findings obtained from the online monitoring, (3) a request for access to public information sent to each institution with the intention of assessing the degree of fulfilment of this fundamental right by each of the institutions; and (4) a check of the legislative framework.

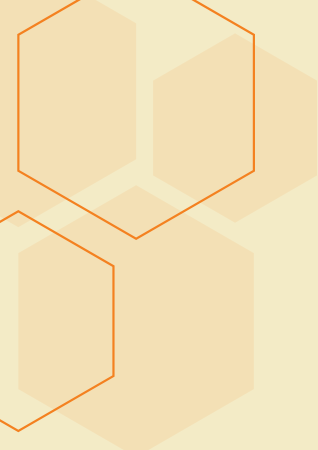
The measurement error is +/- 3%. On the basis of the research results, we conducted an analysis of the key critical points and problems in the field of openness of the institutions that we hope they will find useful to improve their work.

**It is important to mention that in cases where the institutions did not submit the answered questionnaires, the indicators for this were marked with 0, as indicators that were not fulfilled. Namely, out of 36 targeted institutions of the executive branch, 22 (61%) answered the questionnaire, while the remaining 14 (39%) automatically received 0 according to the corresponding indicators. The institutions that did not answer the questionnaire include 5 ministries (the Ministry of Finance, the Ministry of Local Self-Government, the Ministry of Health, the Ministry of Foreign Affairs and the Ministry of Political System). Of the five ministries that did not answer the questionnaire this year, three did not answer it for the second consecutive year: the Ministry of Finance, the Ministry of Local Self-Government and the Ministry of Health. Of the 19 executive bodies monitored, 9 did not answer the questionnaire (the Financial Police Office, the State Sanitary and Health Inspectorate, the**



**Public Procurement Bureau, the State Market Inspectorate, the Agency for Youth and Sport, the Bureau of Metrology, the Agency for Commodity Reserves, the Customs Administration, and the State Transport Inspectorate).**

Given the new trends and processes of digitalization occurring globally, which are also imposed as a necessity in our country, it is expected that greater emphasis will soon be placed on active transparency, which should significantly reduce the number of requests for free access to information submitted on paper. In order to assess the response time after submitting a request to the institutions, during the monitoring of institutional openness, Metamorphosis sent one request for access to information to all 36 institutions. **Almost 1/3 of the monitored institutions, 10 in total, did not respond to the request for free access to public information at all, including the Ministry of Health, the Ministry of Political System and Inter-Community Relations, the Ministry of Foreign Affairs and the Ministry of Transport and Communications, as well as the following executive bodies: the Financial Police Office, the Bureau of Metrology, the Customs Administration, the Directorate for Execution of Sanctions, the State Inspectorate for Local Self-Government and the State Transport Inspectorate. The following two ministries responded to the request for free access to public information by exceeding the legal deadline of 20 days: The Ministry of Culture and the Ministry of Labour and Social Policy.**



# **OPENNESS OF THE INSTITUTIONS OF THE EXECUTIVE BRANCH IN THE REGION IN 2023**



### 3. OPENNESS OF THE INSTITUTIONS OF THE EXECUTIVE BRANCH IN THE REGION IN 2023

#### Introduction

The concept of open government encompasses a wide range of policies and practices that can lead to a new way of governance, both from the government's perspective and citizens' perspective. It can promote good governance and encourage better decision-making, reduced corruption and more efficient public services for the citizens. One of the key characteristics of open administration is transparency, that is, the availability of required information and data for democratic control of government bodies<sup>14</sup>. In addition to transparency, the key principles that open governance rests on include accessibility, efficiency and integrity.

Guided by these principles, civil society organizations — the Centre for Democratic Transition (CDT) from Montenegro, the Metamorphosis Foundation from North Macedonia, the Partners for Democratic Change Serbia (Partners Serbia) and the Citizens' Association "Why Not?" from Bosnia and Herzegovina (BiH) — are developing their analytical instrument, the Regional Openness Index, which provides us a reliable image about the extent to which the institutions in the Western Balkans apply the standards of good governance in their operation.

The purpose of our activities is to provide an analysis of the situation in the field of openness and transparency in the operation of the institutions of the executive branch and to contribute to the creation and implementation of reforms in these areas by building partnerships with all institutions.

This research is being conducted for the eighth year in a row. The data we have gathered indicate that the level of openness of the executive branch in the region is still unsatisfactory. When interpreting the results, it should be taken into account that the research methodology has undergone minor changes, making the results not directly comparable to those from previous years. Nevertheless, the data shows that same or similar challenges still prevail in the operation of the institutions in this field, due to the fact that openness policies do not have their own strategic expression in the countries of the region. The policy of openness must be a policy of all governments in the region, it must be defined like other significant policies and it must not be the result of a momentary decision or a momentary mood of the government.

In this document, we present the key results of the research on the openness of the executive branch in 2023/2024. By respecting the principles of transparency, we will inform the institutions about all the details of the research, which are also publicly available.

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<sup>14</sup> Report from the 35<sup>th</sup> session of the Council of Europe's Congress of Local and Regional Authorities on "Transparency and Open Government" dated 07.11.2018

## **Openness of the Institutions of the Executive Branch in the Region**

The citizens of the countries in our region still expect significant changes to be made in the work of the institutions of the executive branch, which are obliged to transparently present information about their work and activities, especially regarding the way public funds are spent.

The lack of political will to adopt and implement openness and transparency policies blocks real reforms in this area, and the absence of effective monitoring of the compliance with the obligations of providing free access to information signifies that we have institutions that act as if they are above the law.

In addition to all that, political instability and frequent elections in some countries in the region further complicate the development of openness and transparency policies. In situations where these issues are not adequately regulated, the extent to which the government is open to its citizens remains a matter of personal choice for those who make it up.

According to the Regional Openness Index, the best-performing governments in the region are the Government of the Republic of North Macedonia, meeting 78.33% of the openness indicators and the Council of Ministers of Bosnia and Herzegovina, with 74.93%, followed by Montenegro with 61.39% and Serbia with 54.94%. The governments of the Federation of Bosnia and Herzegovina and the Autonomous Province of Vojvodina meet 37.77% of the indicators, while the Government of Republika Srpska meets 36.48% of the indicators, which is only about a third of the set openness criteria.

Regarding the openness of the ministries, the best results, on average, were achieved by the ministries in North Macedonia, meeting 64.36% of the openness indicators, followed by the ministries in Serbia with 56.54%, Montenegro with 53.99% and Bosnia and Herzegovina with 37.76%.

The constituent bodies are most open in North Macedonia, where they meet 58.09% of the openness criteria, while those in other countries meet less than half of the set openness criteria: Montenegro 40.72%, Serbia 36.28% and Bosnia and Herzegovina 33.99%.

The data clearly indicate that the countries in the region still lag behind in meeting international standards for proactive transparency, as well as in a significant part of the obligations under domestic laws. Although it is necessary to acknowledge the individual progress of certain institutions, such progress can only be interpreted as the result of initiatives taken by individuals in leadership positions.

In Montenegro, three governments have changed over the past four years. Each new government has declared its commitment to improve the right of free access to information, but in reality, this improvement has not been materialized. The amendments to the Law on Free Access to

Information have failed to pass parliamentary procedures for the third time, and the Law on the Government is still pending. Openness and transparency policies have not been integrated into separate strategic documents. The implementation of the Open Government Partnership initiative has not yielded significant results<sup>15</sup>. The arbitrary behaviour of the institutions in this area further supports the fact that no effective oversight has been established over the fulfilment of the legal obligation for proactive disclosure of information.

Similarly, there are no strategic documents in Serbia that regulate institutional transparency and openness. In December 2023, the fifth National Action Plan for the implementation of the Open Government Partnership initiative for 2023–2027 was adopted, but there is no information yet on whether its implementation has begun. The amendments to the Law on Free Access to Information in 2021 did not contribute to a more effective realization of this right. The trend of violation of this law continues, public authorities continue to refuse to comply with the requests and the binding decisions of the Commissioner for Information of Public Importance. During this period, the Law on Special Procedures for the implementation of the International Specialized Exhibition EXPO BELGRADE 2027 was passed without public participation. There is serious concern about how transparent the process of spending public funds for the EXPO BELGRADE 2027 project will be, as this special law excludes the application of the Law on Public Procurement.

The new Law on Free Access to Information was adopted in Bosnia and Herzegovina in August 2023, despite numerous criticisms from the public and domestic and international organizations. The law prescribes a wide range of exceptions to the obligation to provide information, allowing access to information to be restricted in a greater number of cases than before. The Ministry of Justice of Bosnia and Herzegovina received over 200 comments and proposals regarding this law during the consultations on the amendments to the law in 2021, but none were taken into consideration. The proposals and opinions of international institutions like the European Commission and SIGMA were not accepted either. The Proactive Transparency Policy and Standards, a document that defines the standards for proactive disclosure of information by institutions in Bosnia and Herzegovina, was adopted in 2018, and there is no will to improve it further or to include new institutions. There is also little interest in using the Open Government Partnership initiative to improve institutional openness<sup>16</sup>.

At the end of 2023, North Macedonia adopted the new Transparency Strategy of the Government of the Republic of North Macedonia 2023–2026, thus remaining the only country in the region to

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<sup>15</sup> After a two-year break, at the end of 2022, the National Action Plan for the implementation of the Partnership for Open Administration Initiative 2023-2024 was adopted.

<sup>16</sup> Bosnia and Herzegovina joined this initiative back in 2014, however, it has since adopted only two two-year action plans. The adoption of the second action plan was delayed by a year and applies only to state-level institutions.

regulate the transparency of the executive branch with a separate strategy. It remains to be seen what the effects of implementing this strategy will be, considering the experience of implementing the previous strategy. Namely, out of a total of 45 activities set out in the action plan, only 12 were fully realized, and eight were in the realization stage shortly before the end of the envisioned timeframe. North Macedonia has achieved partial success when it comes to the implementation of the Action Plan for Open Government Partnership 2021–2023<sup>17</sup>.

### **Transparency in Decision-Making Remains Low**

Ensuring the transparency of government sessions is particularly important for monitoring important decisions on state policies, legislation and governance. The transparency of the sessions can be achieved through various mechanisms, including publishing agendas, materials and minutes, providing explanations for the decisions made at the sessions, live streaming of the sessions, holding regular press conferences, etc. However, we observe predominantly unsatisfactory practices in this area across the region.

Most governments in the region publish session agendas, with the Council of Ministers of Bosnia and Herzegovina being the only institution that publishes the proposed agenda of the session the day before. All governments in the region have adopted the practice of issuing press releases after the held sessions. However, it is worrying that governments do not proactively publish the full materials adopted at the sessions. We note particular problems with publishing the markings or names of documents marked with a certain level of security classification. There is no practice of proactively publishing the minutes of the held sessions, except for the Council of Ministers of Bosnia and Herzegovina.

Furthermore, none of the countries in the region allows live streaming of government sessions. This practice was previously implemented by Montenegro's 43rd Government during its mandate, but it was discontinued with the arrival of the current Government.

### **Financial Transparency Remains the Biggest Challenge in the Region**

The financial transparency of the institutions of the executive branch in the region is far from satisfactory, as institutions lack the practice of publishing basic information about the planning and spending of public funds. For instance, more than half of the institutions of the executive branch in the region do not even publish their annual budgets or annual financial statements, and about one fifth of the institutions publish financial reports (semi-annual, quarterly or monthly). Moreover, only three governments have published a semi-annual report on the realization of the state budget on their websites. Although most governments publish information about the public debt, the problem lies in the transparency of borrowing decisions.

It is worrying that a third of the institutions of the executive branch have not even published their annual public procurement plans on their websites, and more than half do not even publish

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<sup>17</sup> The new, sixth National Action Plan on Open Government Partnership 2024-2026 was adopted in February 2024.

annual reports on public procurement procedures. We found public procurement contracts on the websites of only 30% of the institutions in the region.

A significant number of institutions in the region do not publish their key planning documents. Namely, just over a third (38%) of the institutions published their work program for 2023, while only around 40% published their 2022 annual work report.

### **(Un)willingness of the Executive Branch to Cooperate with Civil Society**

In order to collect more detailed data for the purpose of analysing transparency and openness practices in the work of the executive branch, we sent questionnaires to all institutions, to which only 40% of them answered. The questionnaires, which are completed on a voluntary basis, in themselves serve as an indicator of the openness of the institutions and their willingness to cooperate with the civil sector.

However, it is worrying that a significant number of institutions do not provide information about their activities, even when legally obligated to do so. Namely, just over a third of the institutions in the region responded to our request for free access to information sent to all institutions as part of this research with the aim of assessing the extent to which these institutions are committed to developing the skills of their officials in the digital age.

In North Macedonia, the institutions of the executive branch implement the Government's Communication Strategy for 2023-2024, whereas in other countries, there are very few institutions that plan communication and public relations as part of a separate strategy. Developing a communication or public relations strategy remains a significant mechanism and task for institutions that aim to manage their image, build public trust and ensure transparent communication.

Governments are not investing enough in the development of the skills and capacities of officials for managing social media accounts, which is evident given that only the Government of North Macedonia and the Council of Ministers of Bosnia and Herzegovina have developed strategies in this area, that is, in Bosnia and Herzegovina, a special position of associate for digital communications is provided. In most cases, the institutions of the executive branch fail to recognize the potential of social media for improving the communication with the citizens, so more than half of the institutions in the region do not use Facebook to inform the public about their work, while only 22% of them use the social network X (formerly Twitter).

On the websites of one third of the institutions of the executive branch, the section dedicated to free access to information either does not exist or is poorly organized and lacks relevant information on free access to information. Three-quarters of the institutions of the executive branch have published the Guide on Free Access to Information, but publishing information to which access is granted upon request happens rarely, except in Montenegro, where it is a legal obligation.

# OPENNESS OF THE INSTITUTIONS OF THE EXECUTIVE BRANCH IN THE REPUBLIC OF NORTH MACEDONIA IN 2023





## 4. OPENNESS OF THE INSTITUTIONS OF THE EXECUTIVE BRANCH IN THE REPUBLIC OF NORTH MACEDONIA IN 2023

### 4.1 Summary of the Executive Branch in the Republic of North Macedonia

According to the Openness Index, **the overall result of the executive branch in North Macedonia** (Government, ministries and executive bodies) marks a minimal increase in 2023 compared to 2022, that is, it meets **67% of the openness indicators (compared to 2022, when it reached 64.92%)**.

#### Openness by Groups of Institutions



Compared between the groups of institutions (Government, ministries and executive bodies), **the Government of the Republic of North Macedonia is the most open institution, meeting 78.33% of the set openness criteria**. It is followed by the ministries that meet 64.36% of the indicators and the executive bodies that have the lowest score according to the Index, that is, 58.09% fulfilment of the indicators.

It is noted that **7 ministries**, including the Ministry of Health (63.78%), the Ministry of Justice (61.92%), the Ministry of Economy (59.31%), the Ministry of Culture (57.25%), the Ministry of Local Self-Government (52.59%), the Ministry of Transport and Communications (51.47%) and the Ministry of Political System and Inter-Community Relations (25.36%) **are below the ministries' average that meet 64.22% of the openness indicators**.

Analysed from a **regional perspective** (North Macedonia, Serbia, Montenegro and Bosnia and Herzegovina), the average of whose governments is **59.10%** fulfilment of the indicators, the

result of the Macedonian government is rather good, as for five consecutive years, the Government of the Republic of North Macedonia has ranked first in the region when it comes to the fulfilment of the indicators.

### Ranking List of Institutions and the Level of Fulfilment of the Openness Indicators

RANK	Government and ministries of the Republic of North Macedonia	% of fulfilment of the openness indicators	RANK	Executive Bodies	% of fulfilment of the openness indicators
1	Ministry of Defence	90.84%	1	State Administrative Inspectorate	78.03%
2	Ministry of Agriculture, Forestry and Water Economy	85.61%	2	Food and Veterinary Agency	74.41%
3	Government of the Republic of North Macedonia	78.33%	3	Public Procurement Bureau	73.28%
4	Ministry of Labour and Social Policy	76.28%	4	Secretariat for Legislation	71.92%
5	Ministry of Interior	74.04%	5	State Market Inspectorate	71.47%
6	Ministry of Information Society and Administration	71.06%	6	Bureau for Public Security	69.21%
7	Ministry of Environment and Physical Planning	69.94%	7	State Sanitary and Health Inspectorate	65.59%
8	Ministry of Foreign Affairs	69.01%	8	State Communal Inspectorate	63.78%
9	Ministry of Education and Science	66.77%	9	Customs Administration	63.33%
10	Ministry of Finance	67.14%	10	Directorate for Execution of Sanctions	61.06%
			11	Hydro meteorological Service	58.35%
			<b>BELOW THE EXECUTIVE BODIES' AVERAGE OF 58.08%</b>		
			12	State Technical Inspectorate	54.73%
			13	Financial Intelligence Office/Office for	53.82%
<b>BELOW THE MINISTRIES' AVERAGE OF 64.22%</b>					

11	Ministry of Health	63.78%
12	Ministry of Justice	61.92%
13	Ministry of Economy	59.31%
14	Ministry of Culture	57.25%
15	Ministry of Local Self-Government	52.59%
16	Ministry of Transport and Communications	51.47%
17	Ministry of Political System and Inter-Community Relations	25.36%

	Prevention of Money Laundering and Financing Terrorism	
14	Agency for Youth and Sport	50.2%
15	Financial Police Office	48.39%
16	State Inspectorate for Local Self-Government	39.8%
17	Bureau of Metrology	37.53%
18	Agency for Commodity Reserves	37.08%
19	State Transport Inspectorate	31.65%

A general **conclusion** that can be drawn from the monitoring performed on the institutions by using the Openness Index, which is repeated five years in a row, is **the existence of a direct correlation between the institutions' hierarchy and the drop in their ratings**. This indicates that the engagement and application of the openness standards are at different levels among different structures of the executive branch, which imposes the need for the openness concept to be addressed systemically. Therefore, central policies, such as a Transparency Strategy and the established minimal transparency and accountability standards should be accepted and implemented by all institutions of the central government.

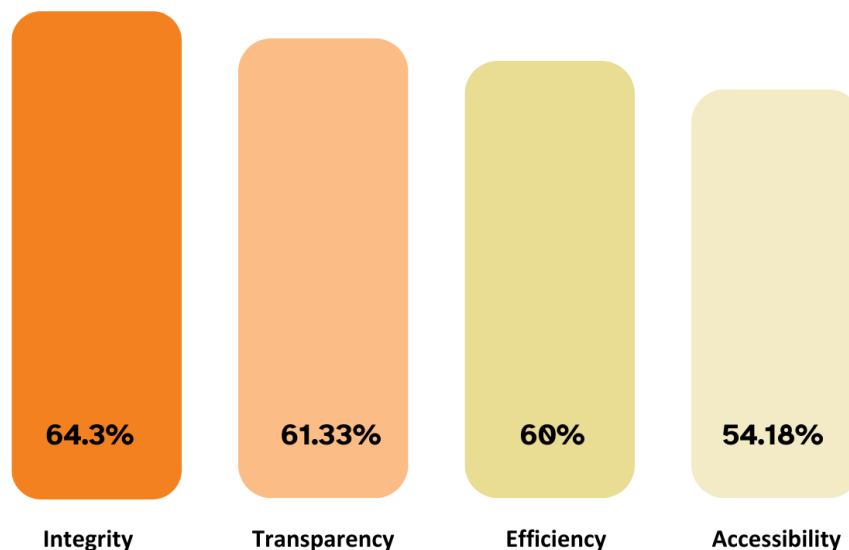
### Top 3 most open institutions in North Macedonia



Based on the individual measurement of a total of 36 institutions, this year **the Ministry of Defence (90.84%)** is the leading institution when it comes to the fulfilment of the openness indicators, followed by **the Ministry of Agriculture, Forestry and Water Economy (85.61%)** and **the Government (78.33%)**. It is worth emphasizing that in last year's measurement, the Ministry of Agriculture, Forestry and Water Economy was below the average fulfilment of the indicators by the ministries, but it marks a significant increase this year.

The analysis of the Openness Index database, divided by the four subcategories (**transparency, accessibility, integrity and efficiency**) shows that based on the overall result, the executive branch achieved the **highest score of 64.3% fulfilment of the integrity indicators** and **the lowest score for accessibility of 54.18%**.

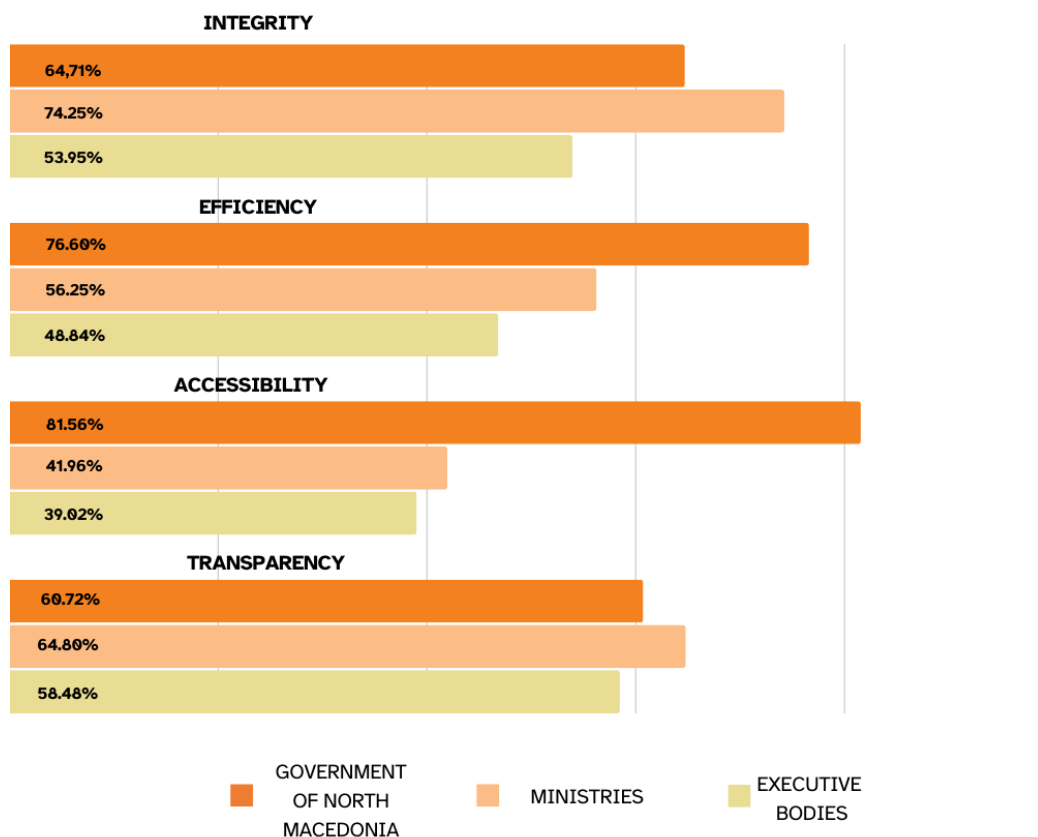
### Executive Branch - openness by subcategory



In terms of meeting the indicators, the lowest ranking subcategory on the Openness Index scale is **accessibility**. It is important to note that in this subcategory, the indicators assess 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 public inclusion and consultations in policy-making processes. The institutions of the executive branch (including the Government, ministries and executive bodies) achieved an average score of 54.18% in the accessibility subcategory, which is the lowest compared to other subcategories. **The average score is affected by the low performance of the ministries (41.96%) and executive bodies (39.02%) in meeting accessibility indicators, which are below the overall average score in this subcategory. In contrast, the Government fulfilled a high 81.56% of the accessibility indicators.** According to the scope of the accessibility subcategory, the Government is mainly assessed for 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 rely entirely on the degree to which they implement the legal provisions and international standards, as observed through the Openness Index. Therefore, most of the recommendations highlighted in this document call for the effective implementation of existing policies by the ministries and executive bodies.

The data below provide an overview of the results and achievements of the institutions for each principle separately, namely **transparency, accessibility, efficiency and integrity**. The Index also provides an in-depth analysis individually by institution, that is: assesses the public availability of organizational information, the budget and public procurement procedures (**transparency**); 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 policy-making processes (**accessibility**); reviews the institutions' commitment to learn from the ongoing processes and to improve them through established monitoring, evaluation and learning systems —by using key points/indicators during strategic planning and reporting (**efficiency**); and assesses the presence of mechanisms to prevent conflicts of interests and to regulate lobbying, as well as the availability of a code of ethics that will guide and sanction the behavior of civil servants and the public administration (**integrity**). An added value of the Openness Index is that through the analysis of all principles, it also assesses the work through practice and commitment to the concept of open data. The results are obtained separately for each level of governance (Government, ministries and executive bodies), highlighting the best practices within each group.

## Openness by groups of institutions and by subcategories



### 4.1.1. Integrity

Corruption is one of the most corrosive issues of our time. It leads to misguided public policies, wasteful use of public resources, exacerbates economic and social inequalities, creates dissatisfaction and political polarization and reduces the trust in institutions meant to serve the public interest.

Traditional approaches, based on creating as many rules as possible, stricter legal compliance and harsher enforcement, clearly have limited effectiveness. Many authors researching this topic argue that the strategic and sustainable response to corruption must be public integrity<sup>18</sup>.

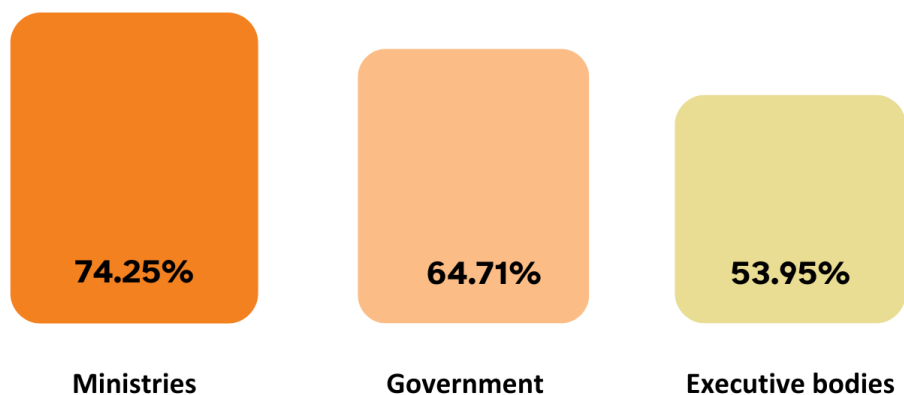
Integrity represents an intersection of individual and institutional values, making it difficult to define and control. In essence, integrity involves lawful, independent, impartial, ethical, responsible and transparent performance of the work by which public officials protect

<sup>18</sup> Terms and Conditions, OECD. Downloaded at: <https://www.oecd.org/termsandconditions/>.

their reputation and that of the institution in which they are either a person in charge or an employee, eliminate risks and remove suspicions about the potential for corruption, and thereby ensure the public trust in the exercise of public functions and the work of public institutions<sup>19</sup>. From a contemporary standpoint, the country has shown a trend of improvement in its fight against corruption<sup>20</sup> over the past two years, but in 2023, no further progress was made and it remains crucial to develop and enforce a vision for a public integrity strategy, shifting the focus away from ad-hoc integrity policies towards an approach rooted in a culture of integrity. It was concluded that North Macedonia advanced only two places in 2023 compared to 2022, corruption remains prevalent across many sectors and continues to be a cause for concern<sup>21</sup>. Therefore, it is important to have mechanisms in place to prevent issues ranging from bribery and the use of personal connections to widespread practices of nepotism, cronyism, clientelism, i.e., the abuse of political influence among elites<sup>22</sup>. Some of these mechanisms include integrity policies, codes of ethics, whistle-blower protection rules, mechanisms for prevention of conflicts of interest, regulation of lobbying, etc. In this context, the subcategory of integrity examines ways in which political influence and the abuse of power can be prevented and controlled.

Based on the analysis of the indicators in the **integrity subcategory**, the executive branch achieved 64.3% fulfilment of the indicators. An individual analysis reveals that ministries performed the highest, meeting 74.25% of the indicators, followed by the Government with 64.71%, and the executive bodies at the bottom, meeting 53.95% of the integrity indicators.

#### INTEGRITY - % of fulfilment by groups of institutions



<sup>19</sup> Integrity Policy for the State Authorities. State Commission for Prevention of Corruption. Downloaded at: <https://cutt.ly/JKKFc86>.

<sup>20</sup> Corruption Perceptions Index for the years 2021, 2022 and 2023. Transparency International. Downloaded at: <https://cutt.ly/hKKJVPD>

<https://transparency.mk/?s=%D0%98%D0%BD%D0%B4%D0%B5%D0%BA%D1%81+%D0%BD%D0%B0+%D0%BF%D0%B5%D1%80%D1%86%D0%B5%D0%BF%D1%86%D0%B8%D1%98%D0%B0+%D0%BD%D0%B0+%D0%BA%D0%BE%D1%80%D1%83%D0%BF%D1%86%D0%B8%D1%98%D0%B0%D1%82%D0%B0+%28%D0%98%D0%9F%D0%9A%29+%D0%B7%D0%B0+2022>

<sup>21</sup> European Commission's 2023 North Macedonia Report. European Commission. Page 19. Downloaded at: <https://www.sep.gov.mk/post/?id=5657>.

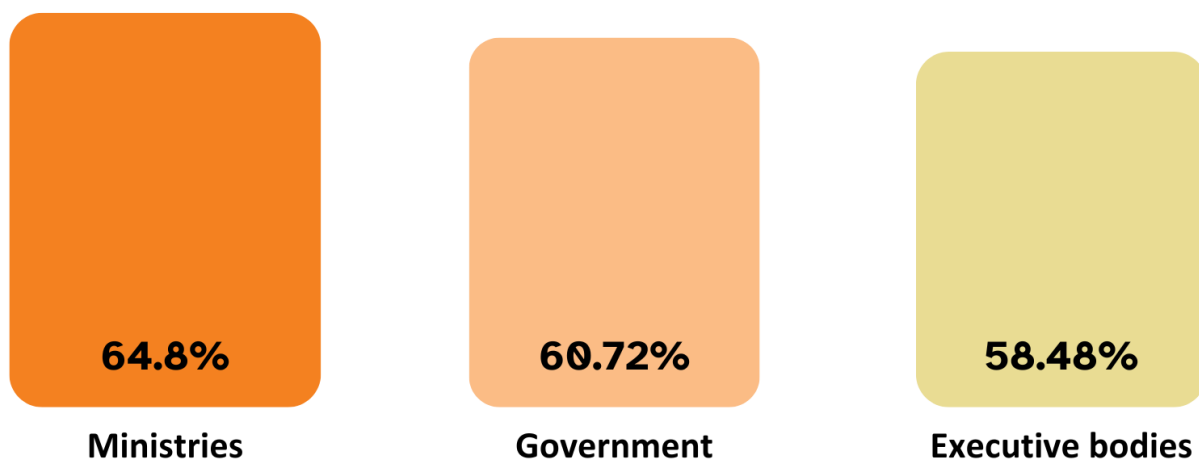
<sup>22</sup> Anti-corruption commitments in North Macedonia: Strategies on Building Constructive Engagement. Foundation Open Society – Macedonia. 2020. Downloaded at: <https://cutt.ly/6KKKjBW>.

### 4.1.2. Transparency

Transparency is a broad concept related to the availability of information and the accessibility and usability of that information by citizens or people requesting information. Defined as such, it includes active transparency, meaning the proactive disclosure of information by public institutions and passive (reactive) transparency, where the provision of information is initiated by the person requesting the information (by exercising the right of access to information). In essence, transparency reduces corruption, increases stakeholder participation in decision-making and enhances institutional efficiency, that is, the degree of transparency, among other things, affects good governance. Given that websites are the main source of information about the work of institutions and serve as a tool for the fastest, easiest and safest access, most of the indicators of the Openness Index refer to websites as sources of information.

Using the indicators that assess the public availability of organizational information, the participation of stakeholders in budget creation, the transparency of budget spending by the executive branch and the transparency in public procurement procedures, the executive branch (Government, ministries and executive bodies) was assessed and received a **transparency score of 61.33%** in terms of fulfilling the relevant indicators. An individual analysis reveals that executive bodies scored the lowest, with 58.48% fulfilment of the transparency indicators, followed by the Government with 60.72%, while ministries performed the best, meeting 64.80% of the transparency indicators.

#### TRANSPARENCY - % of fulfilment by groups of institutions





### Transparency Subcategory: Top 3 institutions in North Macedonia



83.17%

Ministry of Defence



81.03%

Ministry of Agriculture,  
Forestry and Water Economy



79.24%

Ministry of Finance

Based on the individual assessment of a total of 36 institutions in the transparency subcategory, the Ministry of Defence (83.17%) is ranked first, followed by the Ministry of Agriculture, Forestry and Water Economy (81.03%) and the Ministry of Finance (79.24%). **It should be noted that at the regional level, these three ministries are also the highest ranked, that is, they “hold” the first, second and third place compared to all assessed institutions.**

Given that transparency in the planning and spending of public funds is a key element of good governance, in this Openness Index the budget transparency of the central government is measured through a set of indicators. Namely, budget transparency is essential for informing taxpayers, i.e., citizens about how institutions plan and spend the taxpayer money. Additionally, the timely and systematic disclosure of relevant fiscal information was measured, as this contributes to reducing corruption and ensuring effective public participation in the budget-related processes.

Through a set of indicators in this area, the Openness Index forms the assessment of the performance of the central government based on publicly available, that is, published plans, calls, decisions, contracts and annexes related to public procurement procedures published on the institutions' websites.

The table below provides an overview of the extent 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 executive bodies compared to last year. In comparison with last year, this year's measurement showed that the Ministry of Interior, the Ministry of Economy, the Ministry of Transport and Communications and the Ministry of

Justice for the second year in a row did not follow the recommendations of the Openness Index regarding the publication of their annual reports on public procurement procedures. The Ministry of Agriculture, Forestry and Water Economy should be singled out as a positive example, which complied with this recommendation in 2023. We emphasize that although this is not a legal obligation, it is considered a good international practice, and institutions should continue their efforts to establish it as a practice. Therefore, the recommendation for institutions to prepare an annual summary report on all public procurement procedures for the previous year remains.

<b>% of fulfilment of the indicators by ministries and executive bodies that measure the progress achieved in terms of the transparency of public procurement procedures, by indicators and with a comparison between 2022 and 2023</b>				
<b>Indicators</b>	<b>Ministries</b>		<b>Executive bodies</b>	
	2022	2023	2022	2023
Are public procurement <b>plans</b> posted on the website?	100%	93.75% ↓	84%	89.5% ↑
Are public procurement <b>calls</b> publicly available on the website?	87.5%	87.5%	74%	79% ↑
Are <b>decisions</b> on public procurement publicly available on the website?	87.5%	87.5%	68%	74% ↑
Are public procurement <b>contracts</b> publicly available on the website?	87.5%	87.5%	79%	84% ↑
Are <b>annexes to public procurement contracts</b> publicly available on the website?	87.5%	93.75% ↑	74%	74%
Is the latest <b>annual report</b> <sup>23</sup> on all public procurement procedures available on the website?	68.75%	75% ↑	16%	63% ↑

<sup>23</sup> Although institutions made a step forward by mainly integrating parts of the public procurement portal into their websites, annual reports on all public procurement procedures should be published in a separate open-format document.

### 4.1.3 Efficiency (Strategic Planning, Reporting, Monitoring, and Evaluation)

Efficiency is an assessment of the institutions' commitment to planning and learning from ongoing processes, and improving them through established monitoring, evaluation and learning systems – using key goals - indicators during strategic planning and reporting. In the two following subcategories: *reporting* and *monitoring and evaluation*, the central government institutions were assessed based on the following: whether they submitted a report on the implementation of the work program in a timely manner, whether they submitted an annual financial report for the current year in a timely manner and whether they use performance indicators when formulating the annual program and the annual work report for the previous year. The General Secretariat of the Government was assessed in terms of the existence of mechanisms and the comprehensiveness of the legal framework for strategic planning, creation and coordination of policies. It should be taken into account that the interaction with the public and the inclusion of stakeholders in the policy-making processes, as well as the assessment of the impact of the regulation, as principles of good governance, which were evaluated in the *accessibility* category, affect the performance of institutions.

During the strategic planning process, strategies and policies are determined, and decisions are made about key priorities and goals, as well as resource allocation. That is why it is said that strategic planning is one of the fundamental steps toward fulfilling the mission or the competences of an institution. Monitoring policy implementation and proactive public consultations are part of the same sequence of development of evidence-based responsible policies. **In this subcategory, special attention is paid to the availability of systematic mechanisms that regularly assess the impact, costs and effects of policies, and as such, they are used to develop future strategic plans based on data as evidence.**

The legal framework for strategic planning, creation and coordination of policies<sup>24</sup> is defined and comprises of harmonized laws and bylaws that ensure efficient mechanisms and procedures for implementing and monitoring the process with clearly established competences.

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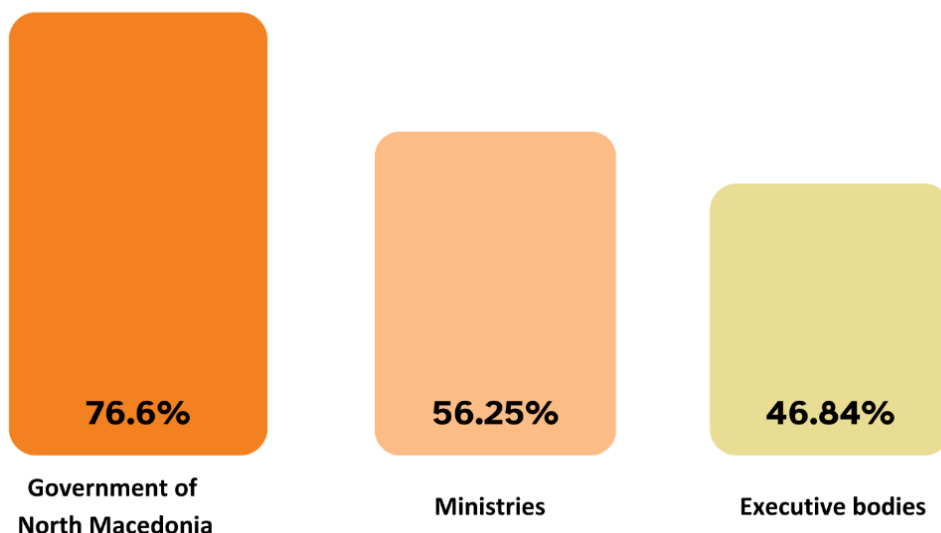
<sup>24</sup> Law on Government, Law on Budgets, Rules of Procedure for the Work of the Government of the Republic of Macedonia, Methodology for Policy Analysis and Coordination (Official Gazette of RM, No. 56/06), Methodology for Strategic Planning and Preparation of the Annual Work Program of the Government of the Republic of Macedonia (Official Gazette of RM, No. 124/08 and 58/18), Guidelines on the Procedure for Ministries and Other Bodies of the State Administration in the Process of Preparing the Strategic Plan and the Annual Work Plan (Official Gazette of RM, No. 131/18), Guidelines for the Preparation of Strategic Plans of Ministries and Other Bodies of the State Administration, Instructions on the Procedure for Ministries and Other Bodies of the State Administration in the Process of Monitoring, Evaluating, and Reporting on the Implementation of the Strategic Plan and the Annual Work Plan (Official Gazette of RM, No. 130/18), Methodology for Regulatory Impact Assessment (Official Gazette of RM, No. 107/13 and 173/17), Methodology for Monitoring the Implementation of Regulations (Ministry of Information Society and Administration, 2013), Instructions on the Procedure for Ministries in the Process of Implementing Regulatory Impact Assessments (Official Gazette of RM, No. 106/13), Decision on the Form and Content of the Report on Regulatory Impact Assessment (Official Gazette of RM, No. 106/13), Code of Good Practices for the Participation of the Civil Sector in the Policy-Making Process (Official Gazette of RM, No. 99/11), Rulebook on the Organization of Public Consultations at the Start of the Legislative Process.

Ministries prepare mid-term (three-year) strategic plans that outline the planned policies under their competence and on the basis of which the budget in the relevant area should be planned. However, this process is conducted formally, without sufficient attention being paid to the interconnection between government and sectoral priorities, planned and undertaken activities for the next period and appropriate allocation of the necessary resources, therefore the new Public Administration Reform Strategy (2023–2030) outlines general and specific goals and measures reflecting a sectoral approach to policy-making, resource planning, strengthening administrative capacities and commitment to aligning the national legislation with the EU law.

Strategic planning helps ministries and executive bodies to systematically and continuously plan programs, projects and activities under the National Program for the Adoption of the Acquis<sup>25</sup> (NPAA), monitor their implementation and adapt to all changes. In fact, the strategic plans of ministries and other state administration bodies should detail the measures and activities provided for in the NPAA, ensuring alignment between the two acts<sup>26</sup>.

The General Secretariat follows a monitoring and evaluation framework according to which it plans and reports on its work annually. The Strategic Plan of the General Secretariat of the Government of the Republic of North Macedonia for 2022–2024 is aligned with the Budget of the Republic of North Macedonia<sup>27</sup>. However, the General Secretariat of the Government has not published a report on the implementation of the Annual Work Plan of the Government for neither 2022 nor 2023<sup>28</sup>.

#### EFFICIENCY - % of fulfilment by groups of institutions



<sup>25</sup> Database. Secretariat for European Affairs. Downloaded at: <https://cutt.ly/RKKH4QL>.

<sup>26</sup> Handbook on Strategic Planning. Government of the Republic of North Macedonia. Downloaded at: <https://cutt.ly/LKKHC6r>.

<sup>27</sup> Strategic Planning. Government of the Republic of North Macedonia. Downloaded at: <https://cutt.ly/PKKJffN>.

<sup>28</sup> Please refer to: <https://vlada.mk/strateshko-planiranje> Last accessed on 14.06.2024

Concerning the **efficiency indicators**, the executive branch (Government, ministries and executive bodies) was assessed with **60% fulfilment of the indicators**. Individually, the executive bodies scored the lowest on the efficiency scale, with 46.84% fulfilment of the indicators, followed by the ministries with 56.25% and the Government with the highest score of 76.6% (a 10% increase compared to 2022).

It is still necessary to strengthen institutional and human capacities for coordination of the mid-term planning process and the linking with sectoral strategies, budgeting and annual planning. Finally, while the role of the General Secretariat as a central body for coordination and quality control has slightly improved, it is still insufficient<sup>29</sup>.

#### 4.1.4. Accessibility

The degree of openness in the **accessibility** subcategory is measured by Openness Index indicators that assess the extent to which the right of access to information is guaranteed by law and in practice, as well as the quality of mechanisms for public inclusion and consultation in policy-making processes. The institutions of the executive branch (including the Government, ministries and executive bodies) achieved an average score of 54.18% in fulfilling the accessibility indicators. **Similarly to last year, this average score is influenced by the low fulfilment of the accessibility indicators by the ministries (41.96%) and by the executive bodies (39.02%), both of which are below the overall average score in the accessibility subcategory. In contrast, the Government achieved a high 81.56% in fulfilling the accessibility indicators.**

Access to information is a key component of a transparent and accountable government. The purpose of access to information is to enable citizens to see how the government operates, that is, for them to be able to uncover corruption or identify shortcomings in policy-making. In this context, the information created and held by public authorities belongs to the public. The Law on Free Access to Public Information<sup>30</sup> mandates that information holders respond to requests for access to public information (reactive approach), but also includes provisions for proactive publication of information, that is, independent publication of information, known as active transparency. The implementation of the active publication of information has been

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<sup>29</sup> European Commission's 2023 North Macedonia Report. European Commission. Downloaded at: <https://www.sep.gov.mk/post/?id=5657>.

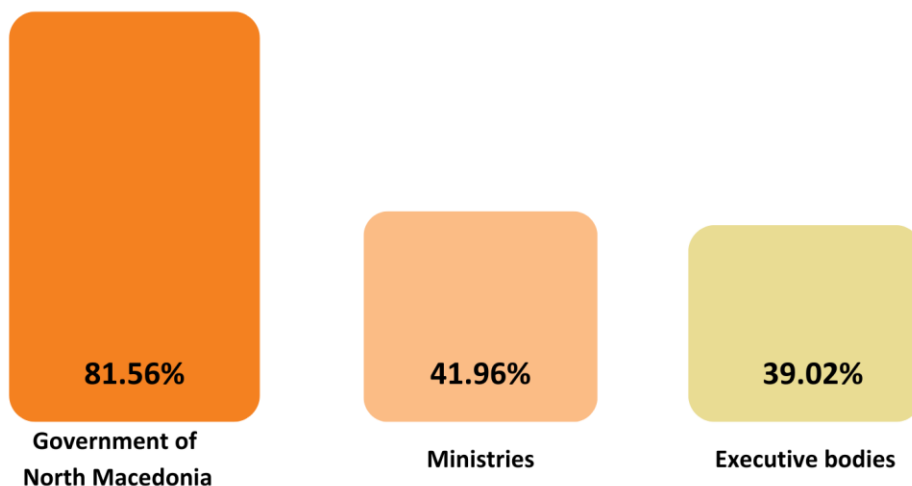
<sup>30</sup> Official Gazette of the Republic of North Macedonia No. 101/2019 of 22.05.2019. Amendments to the Law introduced in 2019: The list of information holders was expanded; A broader list of information that institutions are obligated to proactively disclose was determined; Public interest was defined; The response time to a request was shortened to 20 days; The list of exemptions for free access was reduced, and the extended competencies of the second-instance body were established, allowing it to conduct misdemeanour proceedings. All these measures are aimed at ensuring the transparency and openness of institutions, with the result being – informed citizens.

strengthened by a government resolution requiring information holders covered by the "Guidelines for Improving Transparency of Public Sector Institutions" to publish all information, categorized by areas, previously identified as most frequently requested by citizens.

According to the scope of the **accessibility subcategory**, the Government is mainly assessed based on the quality of the legal framework guaranteeing 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 implement the legal provisions and international standards monitored through the Openness Index. Therefore, most of the recommendations outlined in this document call for the effective implementation of existing policies by ministries and executive bodies.

The Openness Index assesses the central government institutions (Government, ministries and executive bodies) via their websites, examining whether they have up-to-date information regarding the exercise of the right to free access to information, whether they publish requests for free access that had been responded to and whether their websites have a special section for exercising the right of access to information, containing relevant information; whether they have published an updated list of available information, etc. The Government's website fully meets the criteria for exercising the right to free access, but a recurring shortcoming is that it does not publish the responses to requests for free access to information.

**ACCESSIBILITY - % of fulfilment by groups of institutions**



### Accessibility subcategory: Top 3 Institutions in North Macedonia



Based on the individual measurement of a total of 36 institutions in the accessibility subcategory, the Government ranks first (81.56%), followed by the Ministry of Defence (66.40%) and the Ministry of Agriculture, Forestry and Water Economy (55.38%). No executive body is among the top three institutions in this subcategory, although last year, the Bureau for Public Security ranked third, and this year its results dropped from 62.67% to 53.33%.

Individually, from among the ministries, the Ministry of Defence (66.40%), the Ministry of Agriculture, Forestry and Water Economy (55.38%) and the Ministry of Environment and Physical Planning (55%) occupy the top three positions in terms of fulfilling the accessibility indicators.

#### 4.1.4. Open Data

In this research, **open data** is considered a joint pillar of good governance, assessed by the degree of openness of all documents and data reviewed through the Openness Index. The Regional Openness Index shows that North Macedonia has the highest score, although it modestly fulfils 41.08% of the indicators (with the Government fulfilling 47.93% of the open data indicators, executive bodies 44.32% and ministries 36.45%).

At policy level, it can be said that there is a consensus among the political actors on the importance of e-governance, as evidenced by the numerous activities undertaken in this direction<sup>31</sup>. As part of the so-called "Digital Agenda for Europe," North Macedonia has continued to implement the priorities set in the National Broadband Strategy 2019–2023 and the National Cybersecurity Strategy 2018–2022<sup>32</sup>. A modern and efficient public administration, based on digitalization and providing quality and timely services to citizens and businesses, is part of the

<sup>31</sup> "Digital Agenda Observatory" North Macedonia, June 2022. Metamorphosis Foundation, available at: [https://metamorphosis.org.mk/aktivnosti\\_arhiva/opservatorija-za-digitalnata-agenda-izveshtaj-za-teknata-sostojba-i-patokaz-za-unapreduvanje-na-digitalnata-agenda-vo-severna-makedonija-2022/](https://metamorphosis.org.mk/aktivnosti_arhiva/opservatorija-za-digitalnata-agenda-izveshtaj-za-teknata-sostojba-i-patokaz-za-unapreduvanje-na-digitalnata-agenda-vo-severna-makedonija-2022/)

<sup>32</sup> North Macedonia Report. October, 2021. European Commission. Available at: <https://www.sep.gov.mk/post/?id=5657>

strategic priorities of the Government of the Republic of North Macedonia. The need for digitalization is also recognized in the Public Administration Reform Strategy (2023–2030)<sup>33</sup> and its Action Plan, and the unimplemented measures and activities from the Open Data Strategy 2018–2020<sup>34</sup> have been incorporated into the Draft Transparency Strategy of the Government (2023–2026) and its Action Plan<sup>35</sup>. In the National Action Plan on Open Government Partnership (2024–2026), all commitments include measures to expand datasets in an open format, making open data a cross-cutting issue.

Identically to the past year, most institutions (87.5%) report that they lack trained personnel for using and publishing open data, and it is evident that civil society plays a key role in developing public sector capacities in this area. During 2023, the Metamorphosis Foundation conducted two open data training sessions for state officials, attended by over 50 participants from ministries and executive bodies, emphasizing the need and justification for a greater focus on open data. It was noted that outdated technical equipment, staff migration and a lack of maintenance of software solutions are among the factors contributing to the suboptimal performance in the field of open data.

Out of a total of 36 institutions that make up the sample of institutions monitored for our research, only two ministries (the Ministry of Culture and the Ministry of Justice) reported that their staff participated in educational activities/workshops/training on open data in 2023. In response, Metamorphosis prepared a series of ten lessons on open data, available at [www.data.gov.mk](http://www.data.gov.mk) and the Metamorphosis YouTube channel, offering public administration a free resource on the fundamentals of open data.

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<sup>33</sup> Strategy on Public Administration Reforms (2023-2030). Available at: [https://ener.gov.mk/PublicDocuments/Нацрт%20текст%20на%20стратегията%20за%20РЈА%202023-2030\\_Нацрт\\_id=47\\_version=1.pdf](https://ener.gov.mk/PublicDocuments/Нацрт%20текст%20на%20стратегията%20за%20РЈА%202023-2030_Нацрт_id=47_version=1.pdf)

<sup>34</sup> Open Data Strategy (2018 – 2020) and Action Plan. Ministry of Information Society and Administration. Downloaded at: <https://cutt.ly/jKKZPYr>.

<sup>35</sup> Draft Transparency Strategy of the Government of the Republic of North Macedonia (2023-2026). Available at: <https://ener.gov.mk/Default.aspx?item=newdocumentdetails&detailid=64>



# RECOMMENDATIONS FOR THE EXECUTIVE BRANCH OF THE REPUBLIC OF NORTH MACEDONIA



## 5. RECOMMENDATIONS FOR THE EXECUTIVE BRANCH OF THE REPUBLIC OF NORTH MACEDONIA

### Accessibility

- Institutions should publish on their websites the responses with which they provided access to information following a submitted request (from a reactive to an active approach), which would reduce the repetition of requests received in writing for the same information.

- Institutions must proactively publish the set of documents, data and information outlined in Article 10 of the Law on Free Access to Public Information, which would contribute to enhancing active transparency. The Guidelines for Improving the Transparency of Public Sector Institutions should be implemented by public institutions.

- The maximum response time to requests for free access to public information should be reduced from 20 to 15 days, as this is considered a reasonable waiting period according to international standards and established regional practice.

- Executive bodies should introduce a special space (section) on their websites for managing requests for free access to information.

- Officials should receive regular training on international and domestic standards for improving the access to information, which will also affect the increase in the response rate and the quality of the responses themselves.

- Institutions should introduce direct online communication channels on their websites to facilitate the interaction with the citizens. These channels should enable citizens to submit complaints or suggestions.

- Websites should provide clear instructions and promote available mechanisms for filing complaints.

- In addition to improving their websites, institutions need to enhance their presence on social media by regularly posting information about the services offered and focus on raising the awareness about the rights, processes and mechanisms that are less known to the general public.

- Institutions, particularly executive bodies, should publish lists of services they offer on their websites and prominently feature a link to the [www.uslugi.gov.mk](http://www.uslugi.gov.mk) portal. Additionally, institutions should increase the promotion of the [www.uslugi.gov.mk](http://www.uslugi.gov.mk) portal on social media.

- Policy-making processes should be planned in advance and therefore need to be predictable, that is, the annual plans on consultations with stakeholders should be published on the websites. These plans should also be shared and distributed in a timely manner to stakeholders and promoted so the public can be informed about the timeline, plan and prepare

for the upcoming policy-making processes. Timely and effective communication with the public about public consultations is crucial for obtaining meaningful contributions from stakeholders.

- Institutions should establish a separate section on their websites containing necessary information for the announcement of policy-making processes, with direct links to ENER (National Electronic Register of Regulations).

- It is necessary to establish quality control of public consultations. In order to ensure trust in the consultation process and encourage participation, institutions should provide feedback on the consultations, in particular, write minutes of the consultative processes, as a follow-up activity, with reasons why certain proposals were not accepted.

### **Transparency**

- All executive bodies must have a separate section on their websites to ensure active transparency, direct interaction with the public and accountability. Functional search engines should be enabled on all executive bodies' websites.

- Institutions should introduce internal procedures that will promote the process of reactive as well as active transparency, with established deadlines and personnel in charge of sharing and updating information on the websites.

- It should be mandatory for institutions to publish annual work programs and regularly publish reports on their activities. The frequency of preparing and publishing quarterly or semi-annual reports should be increased.

- The Government should publish the documents that are reviewed and discussed during sessions, as well as the transcripts of the meetings. Additionally, audio and/or video broadcasts of the sessions would provide the public with direct access to the decision-making processes for policies that directly impact them, which would represent an additional good practice to be taken into consideration.

- The Government should conduct public consultations during the budget planning process and publish information on its website regarding 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 allow sufficient time for effective review.

- Institutions must regularly publish their budget plans and annual and semi-annual financial reports.

- The possibility for officials in charge of public procurement to be obliged to complete a conflict-of-interest declaration and submit asset declaration forms should be regulated.

- The beneficial owners of the bidders and companies participating in public procurement procedures and those that have signed contracts with the institutions in a public procurement procedure should be disclosed. A register of beneficial owners should be established.
- Institutions should link public procurement-related data (with links) kept in the Electronic Public Procurement System with their own websites.
- Institutions should take specific measures to standardize public procurement procedures.

### **Efficiency**

- Institutions should use performance indicators in both the planning and preparing of reports on their activities.
- The role of the General Secretariat to control the quality and monitor the implementation of existing policies must be enforced.
- The Government should reduce the trend of proposing draft-laws through expedited procedures, especially prior to elections, in order to avoid compromising their quality and/or reducing stakeholder participation in the consultations.
- The Government must avoid making policy changes without evidence that the proposed changes will lead to significant improvement. It is necessary to commit to and establish a practice of conducting *ex-ante* and *ex-post* analyses.
- All institutions should improve the consistent use of data for administrative purposes and base their planning and reporting on such data.

### **Integrity**

- Institutions should accelerate the development of integrity policies, which are expected to be published on their websites, and focus on preparing and publishing reports on the implementation of these integrity policies.
- Institutions should significantly increase educational activities for officials on topics such as conflict of interests, prevention of corruption and whistleblower protection.
- It is necessary to improve the system for monitoring the assets of elected and appointed officials, and to improve the format in which asset declarations are published in an open format. Public access to asset declarations should be maintained even after the officials leave office.

- 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 increase the trust in the system.





Metamorphosis Foundation for Internet and Society

19 Franklin Ruzvelt Str., 2nd floor, 1000 Skopje, North Macedonia

E-mail: [info@metamorphosis.org.mk](mailto:info@metamorphosis.org.mk)

Tel: +389 2 3109 325

[www.metamorphosis.org.mk](http://www.metamorphosis.org.mk)