



TRANSPARENCY OF PUBLIC ADMINISTRATION REFORM IN THE WESTERN BALKANS: NUMEROUS SHORTCOMINGS AND LIMITED EXAMPLES OF GOOD PRACTICE IN THE REGION

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At the centre of the monitoring of public administration reform (PAR),¹ there are topics that are of primary interest to citizens and civil society. One of them, which pervades practically all areas of PAR and on which the quality of implemented reforms can depend to a significant extent, is certainly transparency. Transparency implies that the goals of public policies, their legal, institutional and economic framework, as well as political decisions and all related data and information are delivered to the public in an understandable, accessible and timely manner.² Relying on this understanding of transparency and the OECD/SIGMA Principles of Public Administration, the WeBER PAR Monitor methodology for monitoring PAR in the Western Balkans largely integrates the principle of transparency as one of the central components of good governance.

The importance of transparency can be viewed from several perspectives. In the first place, transparency enables citizens to be fully aware of their rights and to fulfil their obligations timely and efficiently. It is also important for the smooth functioning of the market, i.e., so that economic actors can conduct their business in a free and competitive atmosphere. In connection with the previous, full transparency that enables public oversight of the administration narrows the space for corruption, which is of vital interest to both citizens and the economy. Finally, PAR is an area of fundamental importance for the process of accession of the Western Balkan countries to the European Union, side by side with the rule of law and the functioning of democratic institutions.³

The aim of this brief is to show the state of transparency in various areas of the PAR, draw attention to numerous weaknesses, but also present examples of good practice, when PAR transparency in the region is in question, based on the findings of the last monitoring cycle in the Western Balkans region carried out in 2022.⁴ Starting with public policies that are still developed behind closed doors, through insufficiently transparent human resources management and limited proactivity in informing the public, all the way to the issue of providing services, reporting on the budget and public procurement, shortcomings in transparency were pointed out, which permeate each PAR area and represent the problem of all countries in the region.

1 Western Balkan Civil Society Empowerment for a Reformed Public Administration (WeBER2.0) is a three-year project (2018-2021) funded by the European Union and implemented by the *Think for Europe* network (TEN) headed by the European Policy Centre (CEP), Belgrade, as project coordinator. For more details: www.par-monitor.org (accessed January 16th 2023).

2 OECD, Statistic glossary, available at: stats.oecd.org/glossary/detail.asp?ID=4474 (accessed January, 16th 2023).

3 The importance of PAR is additionally emphasised by the adoption of the revised methodology for conducting accession negotiations, which is placed in the first cluster – fundamentals, and progress in the entire negotiation process depends on the progress made in this cluster. More about the new methodology at: neighbourhood-enlargement.ec.europa.eu/enhancing-accession-process-credible-eu-perspective-western-balkans_en (accessed January, 16th 2023).

4 The data presented and analysed in this paper represents the result of the third cycle of the WeBER PAR Monitor conducted in 2022.

LACK OF TRANSPARENCY PERMEATES ALL PAR AREAS

Developing public policies out of the public eye

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In all countries of the region, public policies are created in an insufficiently transparent manner, and the public remains deprived of information about the Government's activities and performance. The situation is worst in Albania, North Macedonia, and Kosovo. Namely, in all three countries, there are no publicly available reports on the Government's work for the last two years, while less than half of the reports on the Government's strategies and plans can be found online. On the other hand, in Bosnia and Herzegovina, Montenegro and Serbia, annual reports on the work of the Government are available, although they contain numerous deficiencies. For example, in Serbia and Bosnia and

Herzegovina, these reports do not show the results of the Government as a collective body but represent a collection of reports from individual institutions, and their general shortcomings are that they rarely contain data classified by gender and that no data is available in an open format. A positive finding when it comes to this aspect of transparency is that all governments in the region regularly publish press releases in which they inform citizens about their activities in a relatively simple and understandable manner. However, this is certainly not enough to be able to conclude that governments make enough efforts to fully inform the public about their work, about which there are still too many unknowns.

Not only do governments not inform citizens about their activities and performance, but the decision-making processes in the region are also non-transparent to a great extent. Namely, governments in the region practically never publish agendas and minutes from their sessions. Serbia stands out as a particularly negative example, whose Government held 41 sessions in the period from August 5, 2021, to January 28, 2022, and agenda items and minutes of none of them are publicly available, while nine were held without any document or press release that would be subsequently published. On the other hand, a positive example is the Government of North Macedonia, which regularly publishes the agenda, minutes and press releases from each session on its website.⁵ What should especially concern governments in the region is the fact that civil society organisations (CSOs) in none of the countries consider their government to be even remotely transparent; that is, on average, less than 17% of them say that the government is transparent. Given that the perception of CSOs corresponds to the objective situation to the greatest extent, the gap that exists between decision-makers and the interested public is all the more worrying.

Finally, despite the fact that public consultations (consultations with the public and other stakeholders) are, in general, regularly held, there is still a serious problem when it comes to reporting on these processes. Speaking of public policy documents (strategies, action plans, etc.), consultations are held in all countries, with the exception of Kosovo, for 90% of the documents on average. Still, public consultation reports are completely unavailable in North Macedonia and Kosovo, while only half of the reports on the held consultations are available in Albania. The practice is equally substandard when it comes to reports on public consultations on legislation. Namely, although in all countries the majority of laws have gone through some form of consultation with stakeholders, reports are practically unavailable in half of the countries. If we also consider the fact that the Governments in the region, as a rule, did not proactively inform the public about consultations,⁶ the general conclusion is that public policies in the region are not created in a sufficiently transparent manner and that even when these processes are inclusive, they are not transparent enough.

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⁵ However, the acts adopted at the sessions are not published on the Government's website, but exclusively in the Official Gazette, which can only be accessed by subscribed users.

⁶ Most often, information about public consultations was published on the website of the competent authority and special portals for consultations, but not on the website of the authority in charge of cooperation with civil society, on social networks or in the media.

Information about the civil service system under the veil

Basic data on the civil service system and employees in the state administration are not sufficiently available to the public in the region. In the first place, the basic prerequisite of transparent management of human resources in the state administration – that the Government has adequate and updated data on the civil service system – is not fulfilled. In half of the countries (Bosnia and Herzegovina, Montenegro and North Macedonia), the Governments could be praised for regularly publishing basic data on the civil service system.⁷ On the other hand, the website of the Human Resource Management Service of the Government of Serbia does not contain information on the number, title or gender of employees in the state administration, while the annual reports of the Department of Public Administration of the Government of Albania do not classify data on state employees by institution or type of employment. Nevertheless, Serbia and Albania, as well as North Macedonia and partially Montenegro, stand out as positive examples due to the active public promotion of information about the civil service system that is shared both through social networks and through other official channels. Nevertheless, the general conclusion is that all administrations in the region are characterised by a lack of complete and updated data on employees that would be available to the public.

When it comes to the transparency of the state administration's recruitment process, the research findings pointed to numerous shortcomings

When it comes to the transparency of the state administration's recruitment process, the research findings pointed to numerous shortcomings. On the positive side, information about vacancy announcements is usually disseminated using three or more online sources, apart from Albania and Montenegro, where competitions are published only on the website of the authority responsible for human resources management in the state administration. The texts of these competitions usually contain all the necessary elements. However, they are mostly written in overly bureaucratic language, making it difficult for candidates who

have not worked in the state administration before to understand them. This bad practice has remained the same for years. In addition, it cannot be concluded that the selection committees regularly publish their decisions, which are either completely absent or do not contain an adequate explanation or another important element. The lack of transparency of this process is also reflected in the fact that in four countries, information on cancelled competitions is not published at all, while in Montenegro, information on the cancellation is available, but with no explanations for such decisions.⁸ All in all, the process and results of employment in the state administration in the region are still not at a satisfactory level of transparency, which favours negative selection and de-professionalisation of the state administration.

Finally, one of the biggest shortcomings of civil service systems in the region is the insufficiently transparent salary system in the state administration. For example, in Bosnia and Herzegovina, there are no publicly available Government reports containing salary statistics, while a similar problem exists in Albania, where data on average monthly salaries of various categories of employees are not available to the public. Statistics on salaries in Serbia covering the public sector do not differentiate between civil servants and other employees.⁹ Also, in Montenegro, there is no published information on salary grades, i.e., actual amounts of wages by category, beyond those that are generally given in the form of coefficients in the Law on Wages itself. The transparency of the salary system suffers from different shortcomings from country to country. All these examples, although they do not necessarily refer to the same problem, indicate that the countries of the Western Balkans generally have an insufficiently transparent salary system, which then creates space for corruption and other abuses in the state administration.

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7 In North Macedonia, these data are published in the form of an annual report from the Register of Employees in the Public Sector, while in Montenegro they are published as part of the Annual Personnel Plans of state administration bodies and government services. In Bosnia and Herzegovina, these data are available on the Civil Service Agency website and are regularly updated. The results of statistical research on the number and structure of civil servants in Bosnia and Herzegovina institutions can be accessed at: www.ads.gov.ba/en/statistics?fullReload=true (accessed January, 16th 2023).

8 Kosovo stands out as a positive exception, where decisions and explanations of commissions for all competitions in 2021 are publicly available, including information on cancelled competitions.

9 SIGMA/OECD, Monitoring Report for Serbia, November 2021, p. 79, available at: www.sigmaweb.org/publications/Monitoring-Report-2021-Serbia.pdf (last accessed 16 January 2023).

Proactive informing of the public is still insufficient

The low point of informing the public concerns the budgets of state bodies, given that their websites do not contain complete and updated budgetary data

The administration bodies in the Western Balkans are insufficiently proactive in informing the public about various aspects of their work. Although in most countries the authorities' websites contain complete and up-to-date information on the scope of work, which is sufficiently accessible and adapted to citizens, only in Serbia do the authorities state who they are responsible to on their websites. Likewise, transparency is at a limited level when it comes to public policy documents and legislation, which, although published on websites, do not appear to be presented in a citizen-friendly way. The situation is even worse regarding

the publication of various studies or analyses, apart from Montenegro, where this is done in a relatively adequate manner. The low point of informing the public concerns the budgets of state bodies, given that their websites do not contain complete and updated budgetary data. The situation is slightly better when it comes to the publication of annual reports. Although the administrative bodies in all states of the region publish up-to-date and easily accessible contact information, and on most of the websites it is possible to find graphics showing the organisational structure, this is certainly not enough to rate their proactivity in informing citizens positively.¹⁰ Taken together, it is evident that there is plenty of room for improvement in the region as to proactive informing of the public.

The findings of the research coincide to the greatest extent with the perception of civil society about the transparency of public authorities, i.e., the exercise of the right to free access to information. To illustrate, in all countries of the region, only 15% to 40% of civil society organisations (CSOs) believe that authorities document enough information to enable the application of the right to access information of public importance.¹¹ Additionally, the relative or absolute majority of CSOs in each of the countries do not think that the sanctions for violations of the right to free access to information are adequate. On the other hand, we find somewhat more positive attitudes of CSOs on the matter of whether the authorities deliver the requested information within the prescribed deadlines, and the perception is most positive in North Macedonia and Albania, where more than 60% of CSOs believe that this is the case. Also, in all countries, the largest number of CSOs confirmed that the requested information is provided free of charge, and the percentage of positive responses reaches as high as 96% in Albania, that is, about 10 percent lower in North Macedonia and Kosovo. To conclude, the perception of the quality of legislation and the practice of access to information of public importance varies from country to country, but it also depends on which aspect of this type of transparency is concerned.

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¹⁰ This conclusion is supported by the fact that in all countries, except for North Macedonia, authorities do not implement an open data policy.

¹¹ The situation is slightly better when we talk about the perception of the legal framework, bearing in mind that only about 30% of the surveyed CSOs agreed that the laws prescribe adequate exceptions to the assumption of the public nature of information created in the work of government bodies.

Information on service delivery is available, but not the citizens' feedback

In all countries, service providers have contact details on their websites for providing information about the delivery of services and, at the same time, specify the rights and obligations of users.

One can generally find most of the information necessary for obtaining services on the websites of administrative service providers in the region,¹² with certain exceptions. Namely, in all countries, service providers have contact details on their websites for providing information about the delivery of services and, at the same time, specify the rights and obligations of users. However, even basic procedural information on how to access services is missing in Montenegro and Bosnia and Herzegovina, while some more detailed guidelines that should be adapted to citizens are usually missing from service providers in other countries. Although the fact that service providers throughout the

Western Balkans publish information on fees is to be commended, it often lacks a demarcation between the prices of services provided electronically and those provided in person.¹³ All in all, the availability of information on the provision of administrative services in the region, despite certain deficiencies, is at a satisfactory level.

On the other hand, bearing in mind that services are something that users should give feedback on, a serious deficiency is reflected in the fact that such feedback on the quality of public services is often publicly unavailable. This problem is present in all countries, with the exception of Albania and partly North Macedonia. Namely, the Agency for the Delivery of Integrated Services in Albania publishes a report on a satisfaction survey conducted with users of administrative services.¹⁴ In this extensive and quite detailed report, feedback from citizens about the accessibility and level of satisfaction with the services was presented. In North Macedonia, citizen feedback is available for two of the five administrative services analysed, which are provided by the Ministry of Internal Affairs. Additionally, citizens in North Macedonia have an opportunity to express their thoughts through an online survey, answering four short closed-ended questions.¹⁵ However, bearing in mind that in the three remaining countries it was not possible to find publicly available data on citizens' feedback and that in Montenegro it is not available on the Government's website,¹⁶ it can be concluded that this represents a significant deficiency in the transparency of service provision in the region.

Citizens' feedback on the quality of public services is often publicly unavailable.

12 Five services that were analysed: 1) real estate registration, 2) company registration, 3) vehicle registration, 4) issuance of personal documents: passport and identity card, and 5) registration and payment of value-added tax.

13 This is not the case with service providers in Albania who publish price information in a completely adequate way, and positive examples also exist with some authorities in Serbia and North Macedonia.

14 Adisa, Raporti Final: Modeli i ofrimit të shërbimeve publike me në qendër qytetarin në shqipëri, 25 Nëntor 2020, available at: www.adisa.gov.al/wp-content/uploads/2021/06/Final-Report_Albanian.pdf (last accessed 16 January 2023).

15 Министерство за внатрешни работи на Република Северна Македонија, *Анкетен прашалник*, available at: mvr.gov.mk/anketa2/Rezultatit-Mk (accessed 16 January 2023).

16 In Montenegro, with the United Nations Development Program (UNDP) project support, a comprehensive report was prepared, containing feedback from citizens for four out of five administrative services. However, this report is not available on the Government website but only on the UNDP website: www.undp.org/cnr/montenegro/publications/istra%C5%BElivanje-stepena-zadovoljstva-korisnika-javnim-uslugama-u-odabranim-institucijama-crne-gore (accessed 16 January 2023).

Uneven reporting on budget execution and public procurement in the region

In Montenegro, North Macedonia and Serbia, mid-year reports on budget execution are not published at all, while in Albania, although published, they are not easily accessible online.

When it comes to the transparency and accessibility of budget documents, the practice in the region is extremely uneven, and none of the countries scored a passing grade. Except for Albania, in most countries the adopted annual budget can be easily accessed on the Internet; however, the situation is far worse as regards the public availability of data and reports on budget execution in different cycles. For example, in Montenegro, North Macedonia and Serbia, mid-year reports on budget execution are not published at all, while in Albania, although published, they are not easily accessible online. Monthly and quarterly reports are somewhat more available, but there are also numerous shortcomings in most countries.¹⁷ On the other hand, the accessibility of budget information is underpinned by the fact that in four countries, the so-called citizen budgets are published regularly, with the exception of Montenegro, where this was done only for 2022, and Bosnia and Herzegovina, where this practice is not present at all.¹⁸ Taken together, there is room for improving budget transparency in each of the countries of the region, and examples of good practice can be found right in the neighbourhood, given that what is not present as a practice in one country exists in others and vice versa.

Finally, concerning the availability of information on public procurement, there is also a great disparity between countries. Although in most countries competent state administration bodies regularly report to the public on the implementation of public procurement policy, there is a departure from such good practice in Bosnia and Herzegovina, where there was no consolidated report in the period from 2019 to 2021, as well as in North Macedonia, where no report was published for 2021. The practice is also uneven when it comes to the publication of reports on the protection of bidders' rights in public procurement procedures.

In three countries, these reports are published regularly, while in North Macedonia, Serbia, and Montenegro, reports for 2021 are missing.¹⁹ On the positive side, in most countries the contracting authorities, i.e., analysed ministries, publish annual public procurement plans, apart from Albania and Montenegro, where several contracting authorities do not adhere to such practice. On the other hand, only in Montenegro do the contracting authorities regularly publish annual reports on public procurement, while in the rest of the region this practice is either completely absent or not regular enough. All in all, a significant unevenness was observed among the countries in this aspect of transparency, while the information on public procurement is not publicly available to the full extent in none of them.

In most countries competent state administration bodies regularly report to the public on the implementation of public procurement policy

¹⁷ The exceptions are Albania and North Macedonia, whose ministries of finance regularly publish monthly reports on the execution of the budget, which can be accessed in just a few clicks from the website's home page.

¹⁸ What can also be commended in a positive way is the fact that, in most countries, budget data are published in the format of open data, but Montenegro and Bosnia and Herzegovina stand out in a negative context.

¹⁹ Also, in half of the states, the competent authorities can be praised for the fact that their reporting is fully adapted to citizens, while the absence of simple and citizen-friendly summaries represents a deficiency in the reporting of authorities in Kosovo, Serbia and Bosnia and Herzegovina.

HOW TO ACHIEVE MORE TRANSPARENT PUBLIC ADMINISTRATIONS IN THE REGION?

The findings of the third PAR Monitor cycle indicate that public administrations in the Western Balkans suffer from serious deficiencies when it comes to transparency, and the largest number of problems are transferred from one monitoring cycle to another. Elements of non-transparency, identified in every area of public administration reform, make it difficult to build an administration that is efficient, responsible to citizens and works in the public interest, and represents an obstacle on the way of these countries to the European Union²⁰. Therefore, based on the problems that have proven to be common to the countries of the region, below are listed some of the priority recommendations addressed to decision-makers in order to raise the general level of transparency of the functioning of public administrations:

- Governments should regularly publish complete and updated performance reports, written in a citizen-friendly manner and easily accessible online. These reports should present results achieved by the Government as a collective body and contain summaries written in easy-to-understand language and visual elements (infographics, etc.) that present the effects of the Government in a simple way. In addition, it is necessary to regularly publish the agenda, minutes, as well as all acts adopted at Government sessions.
- Administrative authorities should publish detailed reports on all conducted public consultations on public policy documents and legislation. These reports should contain information on all consultation participants, and all submitted comments and suggestions, as well as the competent authority's responses to the comments of stakeholders.
- The publication of statistical data on the civil service system, including the salaries of employees, should be legally binding, be published in an open format and include classification of data by gender.
- It is necessary to regularly publish the decisions of the selection committees on all conducted public competitions for jobs in the state administration, including information on cancelled ones.
- Establish a legal obligation to proactively publish complete, updated, accessible and citizen-friendly information on the budget of administrative bodies, as well as annual reports, on the bodies' websites.
- Service providers should ensure that, when publishing the prices of administrative services, a clear distinction is made between the price of services provided in person and those provided electronically.
- Enable citizens to express their experience on all services obtained and proactively publish citizen feedback on service providers' websites and social networks.
- Ministries in charge of public finance should publish monthly, quarterly, mid-year and annual budget execution reports that can be easily accessed online (within three clicks from the home page).
- Contracting authorities should, without exception, publish annual plans and reports on public procurement regularly.

Although currently there are positive examples among the countries of the Western Balkans in which some of the mentioned recommendations are already widely implemented, this is not the case for most of them. By implementing individual recommendations, each of the public administrations of the region would raise the level of transparency, which would further lead to a more responsible and citizen-oriented administration. This would also improve citizens' trust in state institutions and create a positive impulse for the acceleration of reforms in other aspects of the functioning of public administration and other related areas. By making efforts to make public administration more transparent, decision-makers would demonstrate a sincere political will to implement essential, not *pro forma*, reforms necessary to transform the Western Balkan countries into modern democratic societies, ready for full membership in the European Union.

²⁰ Sava Mitrović and Milena Lazarević, *Transparency across public administration reform in Serbia: An underachieved priority*. European Policy Centre, 2022, p. 7, available at: <https://cep.org.rs/en/publications/transparency-across-public-administration-reform-in-serbia/>

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