

DEVELOPING PROACTIVE TRANSPARENCY IN BOSNIA AND HERZEGOVINA: KEY SUCCESS AND FAILURE FACTORSⁱ

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Proactive transparency is still a novel concept in the Bosnian-Herzegovinian civil service, and only a few institutions have started to implement it. Research shows that a substantial number of institutions do not publish even the basic information on management, structure, scope of authority, budget and programmes. Poor transparency results are contingent on numerous factors such as an outdated and fragmented legislative framework, underdeveloped administrative culture in the institutions, conservative interpretation of the regulations, and civil servants' low level of knowledge of the basic principles of proactive transparency.

ABSTRACT

INTRODUCTION

Transparency and openness of public institutions, and the right of citizens to know how the government makes decisions and spends public money, are the cornerstones of democratic society. Over the course of history, the concept of transparency itself has been interpreted and implemented in different ways. From the initial idea that institutions of government are obligated to make information accessible upon a citizen's written request, the concept of transparency has evolved significantly, and nowadays it means that institutions have the obligation to use the benefits of IT technologies and the internet to publish, proactively and without waiting for individual requests, the information and data they possess.

Public information is used by different actors in society, therefore its availability is prerequisite for the normal progress of a variety of social, political, economic, legal and administrative processes. Thus, proactive transparency affords citizens faster, simpler, cheaper access to public services, and it generally makes it easier for them to exercise their rights. At the same time, the media and CSOs use public information to monitor the work of public institutions and point out irregularities and different kinds of abuse committed by the government, which is how they contribute to the development of a more responsible administration. Moreover, access to the information possessed by the public administration is of particular importance for economic operators, juridical persons, entrepreneurs and foreign investors, as

the success and ease of doing business greatly depend on adequate and readily available information. In addition, in the era of the IT revolution, numerous commercial enterprises are based on open public information, which entrepreneurs turn into new products and services, and which they in turn place on the market. Finally, proactive publication of information has benefits for public institutions themselves, as ready availability of information on the scope of authority of an institution, its activities and public services reduces the need to respond to individual enquiries and requests by citizens, which disburdens the administration, improves efficiency and reduces costs. At the same time, transparency helps develop the reputation of institutions and the citizens' trust in their work.

This is why many democratic countries have adopted the principles of proactive transparency, with some of them assuming the role of leaders in this area. For instance, in the United Kingdom, a great deal of information on public affairs and officials is published, such as the salaries of all employees and the costs incurred ran by all government offices.ⁱⁱ In the United States of America a web portal has been launched for access to public data bases, which are widely used for the development of innovations and entrepreneurial activities.ⁱⁱⁱ Over the last few years, Denmark has focused on publishing large amounts of data which citizens, the business sector and public institutions use on a daily basis, in order to modernise public administration and achieve savings in the public sector.^{iv} Countries from the Western Balkans region have also made substantial advancements, especially Croatia, which has included in its legislation provisions on proactive transparency and the right to re-use public data.^v Proactive transparency is being promoted through a variety of global initiatives, such as the Open Government Partnership,^{vi} a movement for transparen-

cy in the area of environment protection, which has resulted in the adoption of the Aarhus Convention,^{vii} Extractive Industries Transparency Initiative,^{viii} Open Contracting Partnership,^{ix} and many others.

Bosnia and Herzegovina lags behind substantially, which has a negative impact on the whole society. Research shows that citizens express a low degree of trust in public institutions year after year: according to Analitika's 2014 and 2015 research conducted on a representative sample of 1000 respondents from all over BiH, as many as 70 respondents do not trust the governments on the state, entity and cantonal level.^x Similarly, over the last four years, the perceived level of corruption in BiH has constantly been on the rise.^{xi} The disastrous impact of unreformed public institutions on competitiveness in Bosnia and Herzegovina has been recorded by the World Economic Forum, whose reports show that the inefficient state bureaucracy, corruption and instability of the institutions are among the main reasons for poor conditions for the development of competitiveness in Bosnia and Herzegovina.^{xii} Thus the 2015/2016 report rates Bosnia and Herzegovina as 137th out of 140 countries when it comes to wasting budget funds, and as 133rd when it comes to public policy transparency.^{xiii} It is evident that public administration reform is still in its initial stage, and that a more efficient system of provision of public services is needed, which is stated in the latest European Commission report on Bosnia and Herzegovina of November 2016.^{xiv}

The results of the research, presented below, show that most institutions are still very much closed to the public, and that there are no adequate public policies to promote the principle of proactive transparency in practice. The development of proactive transparency is also influenced by factors other than public policy, such as the administrative culture and openness

of institutions towards the public, reluctance to change, the capacities, knowledge and skills of institutions necessary for the application of the principle of proactive transparency, and the engagement of CSOs, the media and donors.

PROACTIVE TRANSPARENCY IN BIH PUBLIC INSTITUTIONS

The analysis of proactive transparency in public institutions was based on the document titled *Standards of Proactive Transparency in Public Administration in Bosnia and Herzegovina*^{xv} which identifies 38 types of documents and information which should be published on the official websites of public institutions. These include: budget information (budget, execution report, etc.), public procurement report (procurement plan, contracts, etc.), strategic documents (mid-term work plan, sectoral strategies, etc.), operative information (work plan, reports), organisational information (laws, internal structure, salaries), FOI (index-register, guide FOI request form, etc.).^{xvi}

The analysis of the websites of 68 state-level public institutions points to their excessive lack of transparency: on average, public institutions proactively publish only 34.8% of the 38 types of information listed in *Standards of Proactive Transparency in Public Administration in Bosnia and Herzegovina*. This means that most institutions do not publish key information on their work, structure, plans and achievements, income and expenditure. When it comes to individual categories of information, budget-related information is least available: around 90% of institutions do not publish even the most basic budget information, while 80% of them do not publish their budget execution report. By May 2016, not a single institution had published its employees' salaries. A very low degree of transparency was recorded in

the domain of operative information: 62% of the institutions do not publish their annual work plan, whilst almost 70% of institutions do not publish their reports.^{xvii} Also, very few institutions have published their audit reports (13%), the rulebook on internal organisation and job classification (25%), and the anti-corruption plan (30%).

It bears stressing that the *Standards of Proactive Transparency in Public Administration in Bosnia and Herzegovina* are not legally binding, which means that publishing most of the information recommended by the Standards is not compulsory under law, and only a few institutions have begun to implement them. However, transparency is limited even in the case of information which public institutions are legally required to publish, such as public procurement plans, index-register of information possessed by the institution, FOI guide and FOI request form. Graph 1 gives an overview of the availability of the 38 categories of information defined by *Standards of Proactive Transparency in Public Administration in BiH* on the websites of the 68 analysed state-level institutions from May 2016.

In spite of the fact that the results were generally poor when it comes to proactive transparency on the state level, the research has shown that certain institutions have established good practices in this domain, while others stand out in particular, such as the Public Administration Reform Coordinator's Office – the only institution which by September 2016 had published its employees' salaries, public procurement contracts, statements on conducted consultations, as well as all the information from the categories 'organisational information' and 'FOI'.^{xviii} The table below gives an overview of the results of the analysis of proactive transparency in the ten most advanced state-level institutions, based on two rounds of research conducted in May and September 2016.



About the author

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Graph 1: Overview of availability of information on BiH institutions' websites

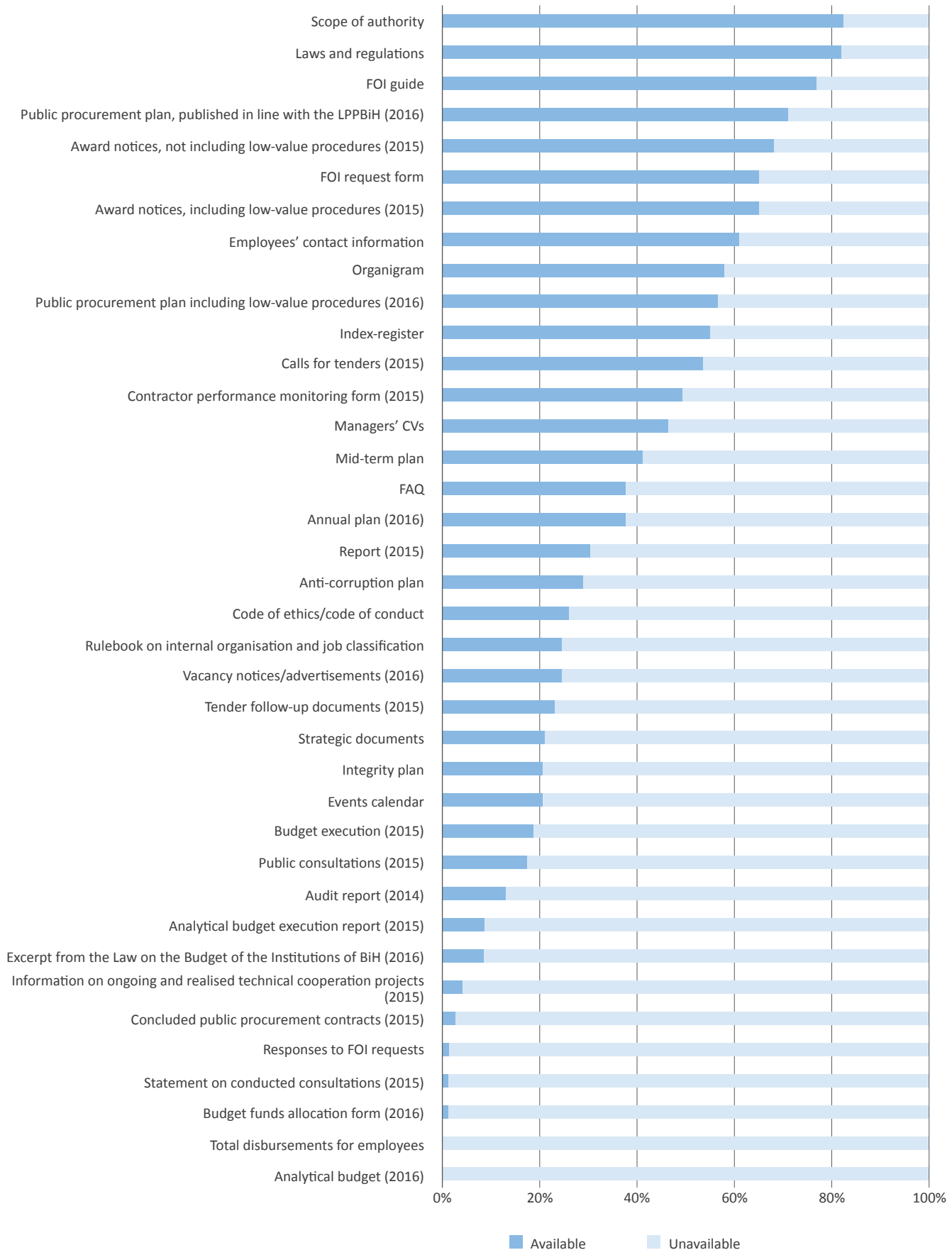


Table 1. Proactive transparency levels of ten state-level institutions
(May, September 2016)

Institution	May 2016		September 2016	
	Result (%)	Ranking	Result (%)	Ranking
Public Administration Reform Coordinator's Office (PARCO)	63.16	3.	87.72	1.
Directorate for European Integration (DEI)	67.54	2.	78.07	2.
Agency for the Development of Higher Education and Quality Assurance of BiH	74.56	1.	77.19	3.
Agency for Statistics of BiH	50.88	7.	64.04	4.
Food Safety Agency of BiH	58.77	5.	57.89	5.
Ministry of Justice of BiH	50.00	8.	57.02	6.
Personal Data Protection Agency in BiH	50.00	8.	55.26	7.
Parliamentary Assembly of BiH	60.53	4.	55.26	7.
Ministry of Human Rights and Refugees of BiH	49.12	9.	53.51	8.
Agency for the Prevention of Corruption and Coordination of the Fight Against Corruption of BiH	53.51	6.	48.25	9.

Sources: Analitika – Center for Social Research, Results of the Research on Proactive Transparency of Public Institutions in Bosnia and Herzegovina (Sarajevo: Analitika, 2016); Analitika – Center for Social Research, *Proactive Transparency in Institutions of BiH: Good Practice* (Sarajevo: Analitika, 2016).

FACTORS INFLUENCING THE DEVELOPMENT OF PROACTIVE TRANSPARENCY IN BIH

The success of the public sector in responding to the demands of proactive transparency is contingent on a multitude of factors, such as adequate public policies, the administrative culture within institutions which determines how open they are to the public, the resources and capacities for the implementation of proactive transparency principles and policies, and the pressure and interest vested by the public and other social actors in public institutions' transparency.^{xix} Below we discuss each of these factors in the BiH context.

Inadequate Legislative Framework

In Bosnia and Herzegovina there are no policies which systematically regulate pro-

active publishing of public information, which is one of the most significant factors hindering the development of proactive transparency. State and entity freedom of information acts, unlike such laws in many other countries, do not contain provisions on compulsory proactive publishing,^{xx} nor do they specify which categories of information public institutions have to publish proactively^{xxi}. Additionally, FOI and other policies do not lay down the obligation to publish public data in formats that make it possible to use the data for other purposes, which is a deviation from the standards and practices in this area.^{xxii} As a consequence of inadequate policies, the idea of transparency remains an abstract term which does not provide institutions with a clear framework and guidance on how to raise transparency to a higher level.

However, the obligation to publish information proactively does exist in some form, and is laid down in a number of

sectoral laws and rulebooks. Thus, for instance, the Law on Public Procurement of BiH prescribes the publishing of public procurement plans, calls for tenders, award notices, overviews of concluded and realised contracts, and a statutory instrument prescribes gradual publishing of tender documentation on a public procurement web portal, such that the publishing of tender documentation from all public procurement procedures will be compulsory as of 2018.^{xxiii} The Recommendations for the Design and Maintenance of Web Presentations of Institutions of the Republika Srpska lay down three categories of information that has to be published, and eight categories, including open data, whose publishing is recommended.^{xxiv} The state-level Rulebook on Consultations of BiH obligates line institutions to publish pre-drafts of legal regulations on their websites for purposes of public debate, and the publishing of annual work plans, including legislation preparation and drafting plans.^{xxv}

However, the above-mentioned proactive publishing provisions are fragmentary in nature and stem from different laws, which hinders their consistent enforcement. Also, sectoral regulations apply to only a part of the information in the possession of the public sector, and as such cannot be considered a systemic solution for the issue of proactive transparency.

Poor Institutionalisation

As there are no transparency policies, the decisions on what information gets published are the prerogative of the institution's managers, which makes the system subject to variation. Therefore the significance of policies in this area lies not only in the fact that they clearly categorise the information which institutions have to publish or act upon, but also in the fact that they lay the foundation for the institutionalisation of proactive transparency

practices, which will not be influenced by changes in management or conservative attitudes of the leading people in an institution. In other words, if an institution has adopted proactive transparency standards and policies, this is an important precondition for building a more stable institutional framework which will not change with election results.

Erroneous and Restrictive Interpretation of the Provisions on the Protection of Privacy

Proactive publishing of information is considerably hindered by erroneous and restrictive interpretation of regulations on the protection of personal data. Based on interviews with representatives of public institutions, we may conclude that civil servants do not know how to protect personal information correctly without limiting access to information of public interest, such as the names and salaries of public administration employees.^{xxvi}

ADMINISTRATIVE CULTURE AND OPENNESS OF PUBLIC INSTITUTIONS

The transparency of public institutions greatly depends on the administrative culture and awareness of the significance of the proactive approach to publishing information. Within institutions, especially among the management, the principle of transparency is seen in terms of potential risk and reward. Good practice in publishing information of public interest is in place mainly in the institutions which have clearly articulated and institutionalised the many benefits of proactive transparency, such as projecting a positive public image, boosting the institution's credibility and legitimacy, increasing the public's trust in the institution, the use of communications to attain strategic goals, etc. The limited degree of transparency is by and

large the consequence of the belief that by publishing information, the institution would subject itself to greater public scrutiny. This attitude is especially pronounced when it comes to the publishing of financial information such as budgets and salaries, as there is concern that once published, the information would be abused or misinterpreted.

The support of the management is pointed out as the key success factor in applying principles of proactive transparency. Still, if we analyse in greater detail the way in which the management's support is secured, we may conclude that rather than securing their will, readiness and concrete support, it is important to ensure that the management of the institution *understands* the significance, purpose and benefits of proactive transparency. Of importance here is the role of the PR officer and other staff that deal with communications, as well as persistence in advocating proactive transparency principles.

CAPACITIES AND RESOURCES OF THE INSTITUTION

Implementation of the principles of proactive transparency greatly depends on the capacities and resources of the institution, which is a challenge faced by many institutions in BiH. According to the results of the research, institutions facing financial limitations often cannot hire staff (PR officers, web administrators, IT support) who would be charged with preparing information and documents for publication, maintenance and regular updating of the website, and communication with the public. In some institutions, public relations are entrusted to civil servants who perform other tasks, such as legal officers or expert associates for specific areas, which overburdens them and prevents them from keeping up to date and implementing new transparency standards. Transpar-

ency of public institutions is also limited because a substantial number of institutions lack adequate websites which afford users easy access to information. The most frequently encountered problems, duly recorded during the analysis of websites conducted by Analitika, are design limitations, and limited search, presentation and classification functions, thus important documents are often published as news and subsequently archived, which makes them difficult to access.

However, a number of interviewed representatives of public institutions think that the lack of resources is a fictional rather than a real problem, and is a mere excuse for insufficient commitment to the principles of proactive transparency. In that regard, most respondents agree that the education of civil servants, especially PR officers, is far more important for the development of proactive transparency.

OTHER ACTORS

The transparency of public institutions is influenced by many outside factors that exert pressure on public institutions as part of their regular activities, but they also help them publish information of public interest. In the Bosnian context, non-governmental organisations, which have put the concept of proactive transparency on the agenda of public institutions and international donors via advocacy, research and analysis of public policies, have played an important role. In addition, proactive transparency in BiH is also promoted through participation of institutions in international technical support programmes, and through the activities of public institutions whose scope of authority includes the promotion of transparency, such as audit offices which order institutions to act proactively by publishing information on their websites,^{xxvii} the Public Procurement Agency of BiH which

has established a public procurement web portal^{xxviii} and the Ministry of Justice of BiH which has launched an online platform for consultation in the drafting of state-level regulations^{xxix}.

It is also important to stress that Bosnia and Herzegovina became a member of the global initiative Open Government Partnership in September 2014,^{xxx} and thus assumed the obligation to implement reforms in the area of transparency and openness of public institutions, inclusion and empowerment of citizens and civil society, the fight against corruption and the use of new technologies to improve the quality of the services the civil service renders to citizens, which can serve as an additional framework and incentive for implementing the principles of proactive transparency. However, apart from formally joining the initiative, BiH has thus far made no serious progress in fulfilling the obligations it assumed when it joined the OGP.

CONCLUSION AND RECOMMENDATIONS

Proactive transparency is an important aspect of modern democratic societies and is a precondition for political, social and economic reforms and the building of trust in public institutions, among other things. The analysis of websites points to a rather low degree of transparency of state-level public institutions, which is due to several factors, such as inadequate legislative framework, underdeveloped administrative culture, and civil servants' and decision makers' lack of knowledge about the concept of proactive transparency.

Yet, some institutions, however few they may be, have managed to develop good practice in this area and show that, in spite of the shortcomings of the legislative framework and other negative con-

textual factors, it is possible gradually to introduce changes which will contribute to greater transparency of institutions. Thus the strengthening of a transparent and accountable civil service requires more intensive and more systematic work on the promotion of the standards and principles of proactive transparency, and maximum engagement of all the stakeholders – public institutions, civil society, donors, media and citizens in general. On that note, we are highlighting a few key recommendations for the development of proactive transparency public policies and practices in Bosnia and Herzegovina:

1. Amending the Freedom of Information Act

First and foremost, it is necessary to amend FOI laws at all levels of government in BiH, which entails the following interventions:

a) Obliging public institutions to publish information proactively and specifying in detail which types of information and documents must be published on institution websites. A good basis for such amendments are advanced legislative solutions from other countries such as the United Kingdom, Scandinavian countries (Denmark, Sweden, Finland), as well as countries from the Balkan region, such as Croatia and Serbia. *Standards of Proactive Transparency in Public Administration in BiH*^{xxxi} can also serve as the basis for the amendments, having already yielded good results in the institutions that have adopted and implemented them on their own initiative, such as the Public Administration Reform Coordinator's Office, the Agency for Statistics of BiH, the Directorate of European Integration and the Agency for the Development of Higher Education and Quality Assurance of BiH.

b) Laying down provisions on open data, that is, laying down the obligation to pro-

vide access to databases in the possession of public institutions. These provisions should also introduce the right to reuse public data, without limitations. A departure point for this intervention may be found in Analitika's publication *Open Public Data in Bosnia and Herzegovina: From Idea to Realization*,^{xxxii} as well as in the *Open Data Guide for Public Institutions in Bosnia and Herzegovina*,^{xxxiii} but also in legislative solutions from other countries, for instance Croatia, which introduced such provisions in its FOI Act in 2013^{xxxiv}.

c) Introducing a system of monitoring line institutions' fulfilment of the provisions related to proactive publishing of information and databases, which would entail more active monitoring of institutions by the Institution of Human Rights Ombudsman of BiH, as the central institution charged with monitoring the implementation of the FOI Act, or the establishment of a new institution, agency or commissioner for information (like in Slovenia, Croatia, Serbia), that would be in charge of promoting standards, educating personnel and monitoring the implementation of the law.^{xxxv}

2. Decisions on Proactive Publishing at Different Levels of Administration

Governments at different administrative levels (BiH, the Federation of BiH, the Republika Srpska, Brčko District, cantons) should adopt decisions on proactive transparency which would specify the types of information that institutions possess and that should be published, as well as operational measures and steps to be taken in order to make sure that such information is proactively published by the institutions that fall under the scope of the authority of the government in question. The *Standards and Principles* are a sound basis for such decisions, as they can be adapted with relative ease and implemented at every level of government in BiH.

3. Self-initiative in the Application of the Principles and Standards of Proactive Transparency

Individual institutions may start the process of proactive publishing on their own initiative, without waiting for the adoption of legally binding provisions on proactive transparency. All it takes is passing an internal regulation on the adoption of guidelines like the ones defined in *Standards of Proactive Transparency*, and the institution can improve its transparency level relatively quickly, without unnecessary delays, and without additional resources.

4. Education of Civil Servants

It is necessary to start systematic education of civil servants, including those in charge of the preparation and publishing of information, but also of top and middle management and other staff who make decisions on publishing of information. Education should include training about the principles, rules and manners of proactive publishing of public information, so that they are comprehensible, useful and easily accessible to all citizens. Of particular importance is continuous training on the protection of privacy in the context of proactive transparency, whereby the central role should be played by the Personal Data Protection Agency, but also other institutions and organisations active in this field, such as PARCO, NGOs and donors.

5. Continuation and Extension of International Technical Assistance Programmes to Improve the Level of Proactive Transparency of Public Institutions in BiH

Due to the lack of local resources, it is crucial that international development agencies and donors continue promoting and supporting the implementation of proactive transparency standards in the civil service. This may include, among other things, the following activities:

a) Increasing the number of institutions that would voluntarily, as soon as possible, in cooperation and with the support of other actors such as CSOs, other donors and development agencies, adopt and implement the *Standards of Proactive Transparency* or similar documents offering systemic guidelines for the application of transparency in public institutions;

b) In the course of further development of proactive transparency, stress has to be laid on the institutionalisation of the obligation to open public data in appropriate formats, in accordance with contemporary standards and trends in the field. This entails amending the existing policies, guidelines or other standards currently in force in various BiH institutions with provisions on the opening of data possessed by public institutions;

c) Creation and promotion of guidelines operationalising and clarifying proactive transparency standards, to facilitate the

implementation of the standards in other institutions.

6. Improving Public Institutions' Websites

Intutions should focus on improving their websites, especially as regards layout and functionality, ease of access and searchability of published information.

7. Implementation of Obligations under the Open Government Partnership

It is necessary to establish an advisory council of the Open Government Partnership initiative as soon as possible, and, following broad consultations with the public (NGOs, media, academic communities, economic operators), create and implement an action plan with concrete measures and activities aimed at improving the accountability and transparency of public institutions, whereby special focus should be put on promoting and implementing the principles of proactive transparency.

References

- i This policy brief summarises key results of research on proactive transparency which are published in: Nermina Voloder, *Proactive Transparency in Bosnia and Herzegovina: From Principles to Practice* (Analitika: Sarajevo, 2016).
- ii Open Data Portal UK, <https://www.data.gov.uk> (accessed on 6 November 2016).
- iii The portal currently contains almost 200,000 databases from different areas, from health, education, environment and public safety to business, manufacturing, energy, and science and research. Open Data Portal USA, <https://www.data.gov> (accessed on 6 November 2016).
- iv The Danish Government, *Basic Data for Everyone – A Driver for Growth and Efficiency* (Copenhagen: Danish Government, 2012).
- v Freedom of Information Act, the Republic of Croatia, *Official Gazette* 25/13 and 85/15, Article 10.

- vi Open Government Partnership, <http://www.opengovpartnership.org/> (accessed on 6 November 2016).

- vii "Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters", United Nations Economic Commission for Europe, 25 June 1998, <http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf> (accessed on 5 November 2016).

- viii Extractive Industries Transparency Initiative, <https://eiti.org/> (accessed on 5 November 2016).

- ix Open Contracting Partnership, <http://www.open-contracting.org/> (accessed on 6 November 2016).

- x See: Analitika – Center for Social Research, *Survey Results: A High Level of Distrust in Political Parties and Government Institutions in Bosnia and Herzegovina* (Sarajevo: Analitika, 2014); Analitika

– Center for Social Research, *Survey Results: The Trend of Citizens' Distrust in Political Parties and Government Institutions in Bosnia and Herzegovina Continues* (Sarajevo: Analitika, 2015).

xi In the Corruption Perception Index, Bosnia ranks 76 out of a total of 168 countries, with a score of 38 on a scale from 0 to 100, where 0 represents the highest level of perceived corruption, while 100 represents the lowest level of corruption. This is a setback compared to the previous year when the score was 39; a constant drop on the ranking list is evident, starting from 2012, when BiH had a score of 42. Transparency International, *Corruption Perception Index 2015* (Berlin: Transparency International, 2016).

xii World Economic Forum, *Global Competitiveness Index 2016-2017: Bosnia and Herzegovina* (Geneva: World Economic Forum, 2016) http://reports.weforum.org/pdf/gci-2016-2017/WEF_GCI_2016_2017_Profile_BIH.pdf (accessed on 6 November 2016).

xiii World Economic Forum, *The Global Competitiveness Report 2015–2016* (Geneva: World Economic Forum, 2015), p. 119.

xiv European Commission, *Bosnia and Herzegovina 2016 Report* (Brussels: European Commission, 2016) http://europa.ba/wp-content/uploads/2016/11/20161109_report_bosnia_and_herzegovina.pdf (accessed on 6 November 2016).

xv Standards of Proactive Transparency were drafted by a working group formed under the auspices of the Programme for Strengthening of Public Institutions in BiH, which is implemented by *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ), on the instruction of the Government of the Federal Republic of Germany. The following institutions took part in the process: PARCO, Agency for Statistics of BiH, DEI, Agency for the Development of Higher Education and Quality Assurance of BiH, Transparency International BiH, Centre for Investigative Journalism (CIN), Analitika – Center for Social Research and *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ). For more details see: Programme for Strengthening Public Institutions in BiH, *Proactive Transparency in Public Administration in BiH* (Sarajevo: Programme for Strengthening of Public Institutions in BiH, 2015); Programme for Strengthening Public Institutions in BiH, *Standards of Proactive Transparency in BiH* (Sarajevo: Program jačanja javnih institucija u BiH, 2015).

xvi For a detailed description of methodology, scoring and methodological restrictions see: Analitika – Center for Social Research, *Results of the Research on Proactive Transparency of Public Institutions in Bosnia and Herzegovina* (Sarajevo: Analitika, 2016).

xvii Analitika – Center for Social Research, *Results of the Research on Proactive Transparency of Public Institutions in Bosnia and Herzegovina*; Analitika – Centar za društvena istraživanja, *Proactive Transparency in Institutions of BiH: Good Practices* (Sarajevo: Analitika, 2016); Voloder, *Proactive Transparency in Bosnia and Herzegovina*.

xviii Analitika – Centar za društvena istraživanja, *Proactive Transparency in Institutions of BiH: Good Practices* (Sarajevo: Analitika, 2016)

xix Mario Savino, *The Right to Open Public Administrations in Europe: Emerging Legal Standards*, *SIGMA Papers*, no. 46 (Paris: OECD Publishing, 2010).

xx Freedom of Access to Information Act, *Official Gazette BiH* 28/00, 45/06, 102/09, 62/11 and 100/13; Freedom of Access to Information Act of the Federation of Bosnia and Herzegovina, *Official Gazette of the FBiH* 32/01; Freedom of Access to Information Act of the Republika Srpska, *Official Gazette RS* 20/01.

xxi For more information see: Alen Rajko, *Proactive Transparency in Bosnia and Herzegovina: Status and Perspectives in Light of International Standards and Comparative Solutions* (Sarajevo: Analitika – Center for Social Research, 2014); Nermina Voloder, *Neglected Standard in BiH: Proactive Dimension of the Right to Access Information* (Sarajevo: Analitika – Center for Social Research, 2014).

xxii Nermina Voloder, *Open Public Data in Bosnia and Herzegovina: From Idea to Realization* (Sarajevo: Analitika – Center for Social Research, 2016).

xxiii Law on Public Procurement, *Official Gazette of BiH* 39/14, Articles 17, 35 and 75; Public Procurement Agency of BiH, Uputstvo o dopuni Uputstva o uslovima i načinu objavljivanja obavještenja i dostavljanja izvještaja u postupcima javnih nabavki u informacionom sistemu “E-nabavke” (Instruction on Amending the Instruction on the Manner and Conditions of Reporting and Publishing of Notices in Public Procurement Procedures via the “E-Procurement” System) (Sarajevo: Public Procurement Agency of BiH, 2015).

xxiv Information Society Agency of the Republika Srpska (AIDRS), Preporuke za izradu i održavanje web prezentacija institucija Republike Srpske (Recommendations for the Development and Maintenance of Official Web Sites of Institutions of the Republika Srpska), version 1.3. (Banja Luka: AIDRS, 2013), p. 15.

xxv Regulations of Consultation in Legislative Drafting, *Official Gazette of Bosnia and Herzegovina* 81/06 and 80/14, Article 5; Uredba o

pravilima za sudjelovanje zainteresirane javnosti u postupku pripreme federalnih pravnih propisa i drugih akata, (Instruction on the Rules of Participation of Members of the Public in the Process of Drafting Federal Acts and Regulations) *Official Gazette of the Federation of BiH* 51/12, Article 8.

xxvi Personal Data Protection Agency BiH, Report on Personal Data Protection in Bosnia and Herzegovina for 2015 (Sarajevo: Personal Data Protection Agency of BiH, 2016), p. 7; The Institution of Human Rights Ombudsman of Bosnia and Herzegovina, Annual Report on the Results of the Activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for 2015 (Banja Luka: Institution of Human Rights Ombudsman of Bosnia and Herzegovina, 2016), p. 42; Centre for Investigative Journalism, “Presuda u korist CIN-a”, Centre for Investigative Journalism, 31 August 2012.

xxvii Audit Office of the Institutions of BiH, Izvještaj revizije učinka – Transparentnost institucija BiH (Report on Performance Audit – Transparency of Institutions of BiH) (Sarajevo: Audit Office of the Institutions of BiH, 2015).

xxviii Public Procurement Agency, Public Pro-

curement Portal BiH, <https://www.ejn.gov.ba/> (accessed on 1 November 2016).

xxix For more details see: <https://ekonsultacije.gov.ba> (accessed on 1 November 2016).

xxx Open Government Partnership, “Outcome Statement of the OGP High-level Event: Citizen Action, Government Responsiveness”, 24 September 2016. <http://www.opengovpartnership.org/blog/open-government-partnership/2014/09/24/outcome-statement-ogp-high-level-event-citizen-action> (accessed on 1 November 2016).

xxxi Programme for Strengthening of Public Institutions in BiH, *Standards of Proactive Transparency in BiH*.

xxxii Voloder, *Open Public Data in Bosnia and Herzegovina*.

xxxiii Tomislav Vračić, Open Data Guide for Public Institutions in BiH (Sarajevo: Analitika – Center for Social Research, 2016).

xxxiv Freedom of Information Act of the Republic of Croatia, Article 10.

xxxv For more details see: Nermina Voloder, *The Right of Access to Information in BiH: Towards Effective Institutional Design* (Sarajevo: Analitika – Center for Social Research, 2015).

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