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Why Bosnia and Herzegovina Should Join Open Government Partnership

Introduction

Open Government Partnership (OGP) aims to encourage governments worldwide to become more transparent and more accountable to their citizens, “with the ultimate goal of improving the quality of governance, as well as the quality of services that citizens receive.”¹ This multilateral initiative was formally started on September 20, 2011, when the governments of Brazil, Indonesia, South Africa, Mexico, Norway, the Philippines, United States of America and United Kingdom endorsed the Open Government Declaration. Meanwhile, the number of states participating in the initiative grew to 60, including all the Western Balkans countries apart from Bosnia and Herzegovina (BiH) and Kosovo. The initiative is overseen by a Steering Committee, which is comprised of government and civil society representatives.

OGP and Western Balkans states

- Albania, Croatia, Montenegro and Macedonia began the process of joining OGP in 2011 and prepared action plans in 2012. These countries are currently working on developing their second action plans.
- Serbia started the process of joining the initiative at the beginning of 2013 and recently prepared the first action plan.
- Although Kosovo does not yet meet the minimum criteria for joining the initiative, Kosovo authorities recently publicly stated their aim of beginning the process of joining the initiative.

Open Government Partnership promotes the following principles:

- transparency of governance, with the accent on timely, comprehensive and publicly available information, as well as fulfilling the basic standards of access to information
- active citizen participation in the decision-making process
- establishing a suitable framework for calling governments to account using various mechanisms
- using new technologies and innovation to increase the openness of government and improve the interaction between citizens and state institutions.

In addition, five key challenges have been identified that countries should take on as part of their commitments under the initiative:

- improving public service delivery, including, among others, healthcare and social security, education, utilities and other public services
- building up the integrity of public institutions and improving their effectiveness, with the accent on fighting corruption, access to information, reforming the system of financing political entities' election campaigns, ensuring the freedom of media and civil society
- effective management of public finances – ie. public budgets, public procurement, management of public resources, as well as management of international aid
- creating safer communities, including improvements to security and public order, as well as environmental and other disaster protection
- increasing corporate responsibility, such as companies' environmental responsibility, fighting corruption, consumer protection and the engagement of companies in problem-solving in the local community.

¹ Mission and goals, Open Government Partnership official website, <http://www.opengovpartnership.org/about/mission-and-goals> (Accessed on October 10, 2013).

How can countries join the initiative?

Countries have to fulfill the minimum requirements for joining the initiative in the areas of fiscal transparency, access to information, income and asset disclosures of elected and senior public officials, as well as citizen participation. A country may join the initiative if it has fulfilled the criteria in these areas, which implies it has at least 75% of the possible points,² which are measured according to various indicators. A government interested in participating in the initiative should formally announce its intention, as well as the commitment to open government principles, in a Letter of Intent to co-chairs of the initiative's Steering Committee. The government should identify an entity to oversee Partnership participation and begin creating an action plan. The authorities should also establish a permanent mechanism of consulting civil society members.³

What are countries' responsibilities after joining the initiative?

After joining the Open Government Partnership, a member country is expected to undertake concrete steps in improving the openness of government, in accordance with the Partnership priorities and the principles of the Open Government Declaration. Specifically, it means the following:

- 1) First, a country prepares an action plan in cooperation with civil society and with the participation of the public. This means that timely notice must be given of the consultation process and the timeframe for adopting the plan. It is then necessary to undertake activities of informing the public and organizing the process of wide public consultation.⁴
- 2) The action plan itself should contain *specific and measurable commitments* that the government of a member state undertakes in order to achieve improvements in accordance with the principles and the key challenges defined under the Partnership. Together with the action plan, a country also publically endorses the Open Government Declaration.⁵
- 3) It is expected that countries establish and use a forum for regular multi-stakeholder consultation during the action plan implementation process, which could be in the form of an existing or newly formed entity.
- 4) Two months after the first year of the implementation of the action plan has ended, a government must submit a report in which it assesses its progress with respect to commitments under the action plan.
- 5) A government also undertakes to participate in the regular, independent reporting on the implementation of the action plan, through the independent reporting mechanism. Independent progress reports assess the way in which action plans were developed and implemented, and offer technical recommendations for improving future plans.
- 6) Finally, member countries are to contribute to the learning process under the initiative, through the exchange of best practices, expertise, technical support and other resources, using the mechanisms created for that purpose under the initiative.

² For fiscal transparency, the Open Budget Index of the International Budget Partnership is used; for access to information, countries get the most points if they have adopted access to information laws; for income and asset disclosures, countries get the most points if their laws prescribe public disclosure of income and assets of politicians and senior-level public officials; while for citizen engagement, the initiative uses the Civil Liberties sub-indicator, a part of the Democracy Index compiled by the Economist Intelligence Unit.

³ For more detailed information on joining the initiative, see OGP Orientation Packet, official Open Government Partnership website, 2013. <http://www.opengovpartnership.org/sites/default/files/attachments/OGP%20Orientation%20Packet.doc> (Accessed on October 10, 2013).

⁴ Information on how the consultation process should be conducted and what action plans should contain are available in the above mentioned initiative orientation material, as well as the official initiative website: <http://www.opengovpartnership.org/how-it-works/requirements> (Accessed on October 10, 2013).

⁵ The Open Government Declaration is available at the following link: <http://www.opengovpartnership.org/about/open-government-declaration> (Accessed on October 10, 2013).

Why join the Open Government Partnership?

According to a 2013 data by the Open Government Partnership, BiH has scored 13 of 16 possible points (about 81%) and fulfils the minimum criteria for joining the initiative. However, the authorities in BiH have yet to publicly state their intention for joining the initiative. There are several important reasons for why Bosnia and Herzegovina should join the Partnership.

First, public trust in government in BiH is extremely low. A May 2013 survey⁶ showed that **60% to 80%** of respondents do not have much or any trust in executive or legislative authorities at different levels of government. About **84%** of citizens do not have much or any trust in political parties. At the same time, citizens strongly support the principle of transparent government – **87.8%** of those surveyed believe or believe for the most part that all financial and technical data, as well as information about performance of publicly funded contracts should be made available to the public. More than **63%** of those polled think that information on personal property and salaries of MPs at various levels should be made public. Finally, citizens are extremely skeptical about their ability to influence decision-making processes.⁷ All this is clearly indicative of a wide gap between the citizens and authorities and a low level of integrity that the public institutions and political actors enjoy in the eyes of BiH citizens.

In addition, BiH faces many challenges with respect to openness of government. Preliminary research conducted by Analitika on the situation in BiH with respect to the main principles and areas of OGP showed the following considerable problems, among others:

- With respect to various public services, such as healthcare and social security, information about their effectiveness, quality control, oversight and financing is not gathered and proactively published.
- Numerous reports⁸ point out that public service employment and promotion procedures do not adhere to professional principles, that it is difficult to prevent abuse of office and unconscionable conduct, while there are no adequate mechanisms for motivating public service officers.
- Open data principles, proactive publishing of information in possession of public institutions and using new technologies for accessing information are not priorities for the authorities and public institutions in BiH. An attempt to change the Freedom of Information Act of BiH in 2013 so as to limit the access to information, as well as the stopping of the publication of the property register of elected officials in BiH on the Central Electoral Commission of BiH website, are some of the examples which raise questions about the commitment of governments to openness principles.
- With respect to public resource management, relevant budget documents are frequently unavailable to the public,⁹ while the system of public procurement is not transparent and the regulations outdated.¹⁰

Bearing in mind the above problems, joining the Open Government Partnership would be beneficial for BiH for a range of reasons:

- BiH authorities would join governments from the region and the world and show they are committed to the principles of open government.

⁶ The survey was conducted by Prism Research on a representative sample of 1,000 respondents from the whole of BiH.

⁷ Survey Results: Attitudes of Citizens of BiH towards Open Government Partnership Principles, Center for Social Research Analitika, September, 2013. <http://analitika.ba/en/publications/attitudes-bih-citizens-towards-open-government-partnership-principles-bih> (Accessed on October 10, 2013).

⁸ For example, see SIGMA, *Civil Service and Administrative Law, Bosnia and Herzegovina Assessment*, OECD, March 2012. http://www.oecd.org/site/sigma/publicationsdocuments/BiH_Assess_2012_CS.pdf (Accessed on October 11, 2013).

⁹ See International Budget Partnership, *Open Budget Survey, Bosnia and Herzegovina, 2012*. <http://internationalbudget.org/wp-content/uploads/OBI2012-BosniaHerzegovinaCS-English.pdf> (Accessed on October 11, 2013).

¹⁰ See SIGMA, *Public Procurement, Bosnia and Herzegovina Assessment*, OECD, March 2012. http://www.oecd.org/site/sigma/publicationsdocuments/BiH_Assess_2012_PUP.pdf (Accessed on October 12, 2013).

- Membership in OGP would help in undertaking concrete measures in order to improve the transparency and accountability of public institutions, as well as promote public participation in the decision-making process while using new technologies.
- Under the initiative, BiH would have expertise, technical and other resources at its disposal which it could use to improve the work of public administration.
- Joining this international initiative could have a positive impact on the level of citizens' trust in government, especially if specific measures are implemented which the state adopts under the action plans.
- The improvement of certain aspects of the functioning of government and public institutions could serve as an important incentive for business development, as well as the improvement of the overall economic climate. This especially refers to improving access to data in the possession of public institutions, which can form the basis for the development of a range of new services and business initiatives, as is the case in other countries where there is easy access to public information. As well, open government and open access to relevant information can improve the confidence of local and foreign investors in the administrative and legal system.
- Membership in OGP could help strengthen the cooperation between authorities and civil society, which is an important precondition for the development of a truly open government, which works in the interests of its citizens above all.
- Finally, participation in the Open Government Partnership and the implementation of action plans can significantly help BiH on its path to the EU, given that by implementing many of the principles of the Partnership, the state would also fulfill a range of duties required of it in the accession process, after gaining candidacy status.

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Kaptol 5, 71000 Sarajevo, Bosnia and Herzegovina
info@analitika.ba www.analitika.ba