



Right to Know

Policy of Proactive Transparency in Public Administration in BiH

Introduction

The purpose of this document is to define standards of proactive publication of information by institutions cooperating in the Thematic Area of Communications and Knowledge Management within the Programme for Strengthening of Public Institutions in BiH¹ (hereinafter: beneficiary institutions), in order to increase their transparency in the communications domain. Beneficiary institutions are determined to gradually achieve this goal by the end of 2016. The document is designed not only to stimulate publication of information of importance to operation of the beneficiary institutions, but also to stimulate more intense exchange of information with their clients. Recommendations presented by the document are applicable to all government and public bodies. Therefore, its indirect goal is to have the beneficiary institutions serve as an example of driver of change in increasing the level of public transparency of the institutions in BiH, sharing acquired experiences and knowledge on proactive transparency in the domain of communications using structures of public administration reform and public opinion multipliers.

Public access to information and increased transparency are fundamental principles of open government, the implementation of which strengthens public trust in their work. The right to know² is derived from Article 19 of the Universal Declaration of Human Rights which stipulates that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to **seek, receive and impart information and ideas through any media and regardless of frontiers.**”

Mechanisms for exercising this right vary, but in practice it is usually the constitution or laws on freedom of information. BiH was the first country in the Western Balkans that adopted the Freedom of Access to Information Act for Bosnia and Herzegovina (FOI)³. It defined that **information under control of the public body represent public property of value**. Although it states that the goal is to promote greater transparency of administrative bodies, FOI does not prescribe any obligation to proactively publish information on the activities of the institution; instead it merely declares the right of citizens to request any information, except the ones defined by the law, by means of administrative procedure using the appropriate form. Therefore, FOI does not actually promote greater transparency by ensuring access to information since they remain unavailable to the public except for those who, in fact, request them.

¹ The Programme for Strengthening of Public Institutions in BiH, commissioned by the Government of the Federal Republic of Germany is implemented by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). On the BiH side, implementation partner is the Public Administration Reform Coordinator's Office (PARCO). The Programme is active in five thematic areas, and beneficiary institutions in the thematic area “Communications and Knowledge Management” are PARCO, Agency for Development of Higher Education and Quality Assurance of BiH (HEA), Agency for Statistics of BiH (BHAS) and Directorate for European Integration of the Council of Ministers of BiH (DEI). Associated members in this thematic area are Information Service of the Secretary-General Office of the Council of Ministers of BiH, Civil Service Agency of BiH, and Agency for Prevention of Corruption and Coordination of the Fight against Corruption of BiH (APIK).

² International Right to Know Day was introduced in 2002, and is celebrated annually on September 28th.

³ “The Law on Free Access to Information in BiH” (Official Gazette of BiH, issues no. 28/00, 45/06, 102/09, 62/11 and 100/13).

Principles of Open Public Administration

Spending of the public money imposes an obligation to transparency in operations of administration institutions and justifying of the expenses. Efficient and transparent administrations adheres to a general rule: value for money. **Public administration services have value if delivered on time, efficiently and if they are visible, clear and readily accessible to all beneficiaries.** The goal of the public administration reform that has been implemented by BiH for almost a decade is to create effective, cost-efficient and transparent public administration that follows principles of the European administrative area and fundamental elements of good governance⁴. A significant number of measures contained in the Revised Action Plan⁵ of the Public Administration Reform Strategy in BiH, in the chapter "Institutional Communication" directly and indirectly indicates the need to increase the level of transparency.

Special value of public administration transparency is in its integrity. Only transparent public administration strengthens public trust in state institutions to the extent that makes transparent authority the only legitimate authority. Transparency of administration is of manifold importance. It:

- justifies existence of the state apparatus;
- strengthens public trust in legitimately elected public representatives;
- saves resources;
- fosters a society of knowledge and competence.

One of the ways to achieve transparency⁶ of public administration operations is to proactively publish information and communications on websites of the institutions. The more well-structured, useful and easily accessible information on websites of the institution, the less room there is for the lack of trust in their work. Beneficiary institutions approach this challenge under the motto: **transparent is anything that is published.** They also follow OGP principles⁷. In addition, **transparent public administration is also a mechanism of participatory democracy.** Citizens who can access information on the work of public administration have tools and arguments for corrective actions concerning their work.

Research in this field indicate extremely low level of transparency of BiH public institutions' work.⁸ Lack of transparency of work of public administration is directly proportional to the index of how corrupted it is perceived. Public administration in BiH is generally perceived as overpaid, inefficient, nepotistic and corrupted, and usually indicates a lack of structure the purpose of which would be to serve the public, i.e. a public service.⁹

⁴ OECD. "Public Sector Integrity Reviews". <http://www.oecd.org/gov/ethics/integrityframework>

⁵ Public Administration Reform Coordinator's Office. (Revised Action Plan 1 for Implementation of the Strategy for Public Administration Reform in BiH) "Revidirani akcioni plan 1 za implementaciju Strategije reforme javne uprave u BiH", <http://parco.gov.ba/?id=2839>

⁶ Transparency is "openness toward the public at large about government structure and functions, fiscal policy intentions, public sector accounts, and projections. It involves ready access to reliable, comprehensive, timely, understandable, and internationally comparable information on government activities." (George Kopits and Jon Craig: *Transparency in Government Operations*, International Monetary Fund. Washington DC, 1998)

⁷ Open Government Partnership, open government initiative accessed by BiH on 24th of September 2014.

⁸ Centres for Civil Initiatives. (Public nature of the work by the governments and parliaments in BiH: official websites of institutions as an efficient tool for providing information) "Javnost rada vlada i parlamenata u BiH: službene Web stranice institucija kao efikasan alat za pružanje informacija". Tuzla, 2014.

⁹ Transparency International BiH. (Perception of public administration, Bosnia and Herzegovina 2014) "Percepcija javne uprave, Bosna i Hercegovina 2014", Sarajevo, 2015. (<http://ti-bih.org/wp-content/uploads/2015/03/TH-BIH-Percepcija-Javne-Uprave-BiH-2014.pdf>).

In line with the aforementioned, administration culture in BiH shows insufficient willingness to proactively publish information. It results from the belief that promoting the right of public to know may increase administrative burden on human, financial, and technical resources, or falls in the domain of protection of private data and therefore causes resistance from the public servants in charge. However, proactive publication of information indicates the contrary. In fact, publication of information concerning the budget, work plans, audit reports, procurement plans, strategic documents of an institution, as well as internal acts of relevance to the public, and particularly databases, is a one-time thing (does not require daily updates and extra engagement of the staff), and directly decreases the number of requests for free access to information and use of resources for processing of the requests. At the same time, publication of the decision on access to information reduces the number of repeated requests, and makes the administration less burdened. In addition, *"to encourage and improve proactive transparency in the work of public institutions in BiH in line with the standards of the Open Government Partnership"* is a duty of all institutions in BiH according to the Action Plan for implementation of the strategy for fighting against corruption¹⁰. Finally, administrative institutions could use proactive publication of information to minimise misinterpretations of their mandate and role, and to create an atmosphere of public trust in what they do.

Proactive Transparency in BiH: A Strategic Commitment

Research on proactive publication of information¹¹, which included 66 public administration bodies in BiH in 2014, and was implemented by *Analitika*, also included the beneficiary institutions. Out of 23 criteria, BHAS met 14, PARCO 15, DEI 10, and HEA 15, falling to the bottom of the top five institutions with the highest level of proactive transparency. *Online* survey conducted between the beneficiary institutions in September 2015 showed that all of them meet at least 46 % of proactive transparency standards defined in the annex to this document. Out of 37 standards, by publishing documents on websites, HEA and DEI meet 23, BHAS 18, and PARCO 17.

Having in mind the current situation, beneficiary institutions have decided to make a crucial step in this field and in the upcoming period improve the level of proactive publication of information on their official websites. Therefore, this document calls for proactive transparency in publishing contents on websites of the beneficiary institutions, by defining a list of standard information/documents for publication. They are categorised according to their contents, type, and change dynamics as: financial, strategic, and operational information/documents (see Annex). When defining a list presented in the annex to this document, international standards of proactive publication of information have been taken into account, as well as examples of good practice in the region and worldwide, and sector laws in BiH prescribing publication of certain types of information. The list must be revised in line with the changes of legal solutions, modifications the form of publication, and so-called *levels of transparency maturity*¹².

Beneficiary institutions – in the first stage of proactive publication on their websites – should make available to the public the institutional and strategic documents, but also documents from other categories for which the law has already foreseen their publication, followed by other documents on the list. The purpose of publication is to eventually provide a high level of information to the website users concerning the activities of their institutions, and content-related and comparative analysis of available information.

¹⁰ <http://www.apik.ba/zakoni-i-drugi-akti/strategije/default.aspx?id=412&langTag=bs-BA>

¹¹ Centre for Social Research - Analitika. (Research Results: availability of information on official websites of public bodies in Bosnia and Herzegovina) "Rezultati istraživanja: Dostupnost informacija na službenim web-prezentacijama javnih organa Bosne i Hercegovine", Sarajevo, 2014. http://analitika.ba/sites/default/files/publikacije/javni_organ_i_proaktivno_objavljivanje_informacija_-_web_24mart2015.pdf

¹² Examples of publishing the budget, procurement plan, information on salaries of the staff, etc. show different levels of transparency maturity depending on the depth of the analysis and extent of the published data.

Principles of proactive publication of information on beneficiary institutions' websites are:

- **accuracy** (true and realistic information);
- **timely manner** (publishing as soon as possible after the event);
- **verifiability** (possibility to verify the information checking another source);
- **regular updating** (timely publishing of changes in information);
- **structure** (proper editing of information blocks);
- **searchability** (publishing in machine-readable formats and under associative title);
- **comparability** (possibility to compare information from different documents of the same type);
- **availability without using specialised software tools or licences;**
- **availability via different communication channels without time limits.**

Recommendations

Beneficiary institutions, by accepting the defined standards of proactive publication of information, are using this document to also recommend:

- to civil society organisations to perform regular annual monitoring of proactive publication of information on the web;
- to all government and publicly owned bodies in BiH to adopt the list of standard information/documents for proactive publication;
- interinstitutional exchange of experience and knowledge concerning transparent communication in public administration;
- call for two-way communication with target public groups in order to improve proactive publication of information.

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