

Active transparency index analysis in the local self-government units from the SWP region in the Republic of N. Macedonia

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Abstract: *The aim of the paper is to analyze the degree of practicing transparency and accountability through the index of active transparency by the units of local self-government (municipalities) from the South-west planning region in the Republic of N. Macedonia, with the possibility of free access to public information, the deadline within which the units responded to the request, accountability, integrity, budgetary and financial transparency, as well as the information on the competence and services offered by the units themselves.*

Keywords: *TRANSPARENCY, ACTIVE TRANSPARENCY INDEX, LOCAL SELF - GOVERNMENT UNITS (LSGU), SOUTH - WEST PLANING REGION (SWPR)*

1. INTRODUCTION

Disclosing of information, i.e., active transparency, helps LSGUs become more responsible in spending public finance, promote the principles of good governance and integrity, and enables managing the available data and information better, easier and in more efficient manner as well. Although active transparency is a relatively novel concept worldwide, yet it can be defined as information published by the LSGU on its own initiative, i.e., not necessarily upon submitted request for access to that information. In such occasions, when a request for certain information is submitted to the units, it is a matter of reactive transparency. [2]

Active transparency has been escalating especially in the last few years, mostly due to the development of telecommunications and computer science through which a favorable climate for increased development of electronic communication and was created which led to an increase in the number of electronic documents, their proper generation, storage and easier transfer to all citizens. [1] The laws and bylaws through which the LSGUs are obliged to publish information on quarterly, semi-annual and annual level additionally contribute to the increase of the active transparency.

Precisely regarding the above-mentioned reasons, the paper aims to make a brief analysis of the degree of practicing transparency and accountability through the so-called *active transparency index* [2] by nine LGUs from SWPR in R. N. Macedonia in the period 2016-2023, through the analysis of responsibility, integrity, budget and financial transparency, information on the competence and services offered by the units themselves, as well as the possibility and time frame within which the units respond to the request for free access to public information.

2. Legal regulation on active transparency in the local self - government units in Republic of N. Macedonia

Transparency, or *active transparency*, is a generally accepted basic tool that promotes competition, increases the efficiency of funds spent and reduces the threat of corruption, so its continuous improvement relies on more effort.

The main legal basis for the active transparency of the institutions, i.e., the LSGU, is mostly based on the Law on Free Access to Public Information [5], and partly on the Law on Use of Public Sector Data. [9] The Law on Free Access to Public Information, in addition to regulating the conditions, manner and procedure for exercising the right to free access to public information available to LSGUs, provides publicity and openness in the operation of information holders and enables natural persons and legal entities to exercise the right to free access to public information. [5]

Pursuant the law, the LSG units are obliged to regularly maintain and update the list of information in any form they have created or have at their disposal and to publish it in a manner accessible to the public, most often it is a website and a bulletin board of the LSGU itself. [5]

In addition to this law, there are other laws and bylaws that prescribe obligations for institutions to publish information, and the goal is to inform citizens about the work of the units, as a condition for encouraging participation in the creation and implementation of policies at the local level. Additional provisions for active transparency legislation are:

- **Law on Local Self-Government** - the LSGU bodies are obliged, without compensation, to inform the citizens about their work, as well as about the plans and programs significant for the development of the unit; moreover, that the unit is obliged to provide citizens with access to basic information about the services provided, in a manner and under conditions regulated by the statute [6]
- **Law on Budgets** - LSGUs are obliged to publish an annual plan of revenues, other inflows and approved funds, budget of grants, budget of donations, budget of loans and budget of self-financing activities and the final budget balance, in the official gazette of the unit [3]
- **Law on Public Debt** - according to the law, LGUs are obliged to submit to the Ministry of Finance of RS. Macedonia no later than 30 days after the end of the quarter quarterly, information on changes in the balance of each borrowing in the previous quarter, as well as changes in the balance of issued guarantees, and the information must contain data on debt of public enterprises established by the units, as well as companies that are entirely or predominantly owned by the units [7]
- **Law on Financing of Local Self-Government Units** - LSGUs are obliged to submit quarterly financial reports with an explanation for the budget execution within one month after the end of the quarter, to the Ministry of Finance of the R. N. Macedonia and to the unit's council; after the adoption of the reports, the mayor informs the public. If the reports are not adopted, the president of the council publicly announces the reasons for not adopting them [4]
- **Law on Public Procurement** - in accordance with the new Law on Public Procurement of the R. N. Macedonia, [8] *transparency* is one of the principles on which the regulation, system development and implementation of public procurement is based upon, and it is ensured by publishing the public procurement plan, announcements and notifications that are in accordance with the provisions of the law, tender documentation, and public procurement contracts concluded between contracting authorities and economic operators. [8] The enacted law contains several provisions to increase transparency in the public procurement process, and moreover it contains specific anti-corruption provisions that may contribute to reducing the corruption that is considered to be greatest in public procurement

However, it is important to note that many LSGUs own a statute as the highest legal act and govern with internal rules for publishing of public information, therefore this active transparency helps the units increase the efficiency of the spent funds and promote the principles of good governance and integrity, especially for those aspects that are not precisely regulated by the stated laws and bylaws. All of the afore-said enables natural persons and legal

entities to exercise the right to free access of information through the flow of information within the unit (internal information), the flow of information from the unit to the public (external information), as well as the rights and obligations of the unit's bodies and the local administration in exercising the right to free access to public information.

3. Analysis of the active transparency index in the local self - government units from the south - west planning region in the Republic of N. Macedonia

One of the most important tools for increasing active transparency is the manner in which LSGUs offer their services to the citizens, specifically whether they have enough communication channels and enough information on their websites and social networks in order to inform the citizens timely on how to proceed upon a request for service. However, maintaining a maximum active transparency is an issue in most LSGUs in R. N. Macedonia and they seem lacking with interest in informing their citizens how they spend public finance, although their interest regarding the needs of the local population is to be of their greatest concern.

This article contains comparative analysis of the active transparency index in the LSGU from SWPR in R. N. Macedonia in a period of eight years i.e., 2016-2023. One part of the data is provided as a sum of several previously conducted researches

related to the analyzed issues, another part as information provided through the tool "Free access to public information", in accordance with the **Law on Free Access to Public Information** and the third part by checking the websites and social networks of the units.

Statistically, SWPR is one of the eight planning regions in Macedonia and one of the most developed tourist regions, which includes nine LSGUs, namely Vevcani, Debar, Debarca, Ohrid, Kicevo, Makedonski Brod, Plasnica, Struga and Centar Zupa. [10]

In accordance with the previously given methodology and previously structured questionnaires on the state of fulfillment of the obligation for transparency by the LSGU, the degree (percentage) of fulfillment of the obligations has been determined, i.e., the transparency index, which is obtained as a ratio between the number of points awarded and the total number of possible points.

The maximum points that a LSGU can score are 71 points. The active transparency of the units is divided into five groups, depending on the degree of fulfillment of obligations, as follows: [2]

- very good - 80-100% fulfillment of obligations
- good - 60-80% fulfillment of obligations
- average - 40-60% fulfillment of obligations
- weak - 20-40% fulfillment of obligations
- very weak - 0-20% fulfillment of obligations

Tab. 1: Ranking of the regions according to the active transparency in the period 2016-2023 [12]

	2016	2017	2018	2019	2020	2021	2022	2023	average occupancy in% by regions	average ranking 2016-2023
East	45.2	44.2	46.1	62	68.3	74	79	83	62.725	1
Pelagonia region	50.8	50.9	48.6	59.8	65.4	66	73	75	61.187	3
South-east	49.6	49.2	42.5	53.2	59.4	74	84	82	61.737	2
Vardar region	39.1	41.6	42.6	51.1	54.8	61	67	75	54.025	4
South-west	43.6	38.1	36.7	54.4	51	57	73	78	53.975	5
North-east	54.5	42.3	41.5	46.2	50.5	53	70	71	53.625	6
Polog region	43.8	31.7	27	48.7	47.7	49	65	70	47.862	7
Skopje region	40.3	36.9	32.6	42.8	44.4	49	59	66	46.375	8
average fulfillment in % by years	45.863	41.863	39.7	52.275	55.188	60.375	71.25	75	-	-

From Table 1 and Chart 1 we can conclude that in the analyzed period 2016-2023, all eight regions achieved an improvement in active transparency in 2022 and 2023, except the South - east region which in the 2023 year has 84% fulfillment or a negative decline of -2%.

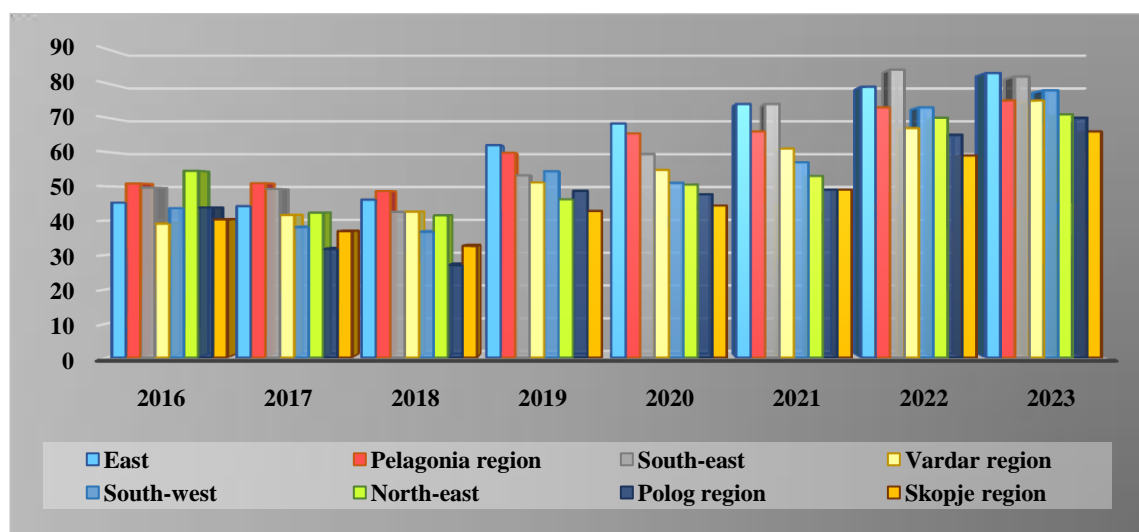


Chart 1: Ranking of regions by active transparency for the period 2016-2023 [tab. 1]

By default, the Polog and Skopje regions are at the end, although 2022 year the Polog region achieved a big jump of 16 percentage points in its active transparency. The Skopje region is not only last, but also has a small increase of 7 percentage points compared to last 2021 year.

General, SWRP is constantly improving and in relation to other regions ranks fifth with an average fulfillment of obligations of 53.975% or given by years in 2016 (43.6%), 2019 (54.4%), 2020 two 2022 - index 73% when the region jump as much as 16

percentage points in relation to 2021 and 2023 - index 78%, when the region has his best percentage according to the active transparency

(51%), 2021 (57%) and poor fulfillment of obligations in 2017 (38.1%) and 2018 (36.7%). The best years for SWER are the last.

Tab. 2: Ranking of LSGUs in SWPR according to the active transparency in the period 2016-2023 [12]

	2016	2017	2018	2019	2020	2021	2022	2023	average of fulfillment in % in LSGU in SWPR	average ranking 2016-2023
Vevcani	70.1	53.7	40.3	67.7	68.1	69	75.4	78.3	65.325	2
Debar	44.8	41.8	44.8	53.8	58.1	54	81.4	80	57.337	5
Ohrid	74.6	76.1	73.1	81.5	80.3	82	85.7	85.7	79.875	1
Debarca	35.8	16.4	40.3	66.2	63.8	72	82.6	89.9	58.375	4
Kicevo	32.8	31.3	25.4	63.1	46.4	46	60	97.1	50.262	7
M. Brod	46.3	52.2	47.8	64.6	74.6	73	78.6	67.1	63.025	3
Plasnica	3	4.5	6	9.2	15.9	10	39.1	46.4	16.762	9
Struga	53.7	49.3	44.8	64.6	39.4	47	62.9	65.7	53.425	6
C. Zhupa	31.3	17.9	7.5	18.5	12.7	55	88.4	92.8	40.512	8
average fulfillment in % by years	43.6	38.133	36.667	54.356	51.033	56.444	72.677	78.111	-	-

The final ranking of the LSGU in SWPR was performed based on the percentage of fulfillment of obligations and it is tabular and graphically shown in Table 2 and Charts 2 and 3. According to the processed and presented data it can be concluded that in the

analyzed period 2016-2023, the municipality of Ohrid is constantly on the first place and has a good fulfillment of obligations, and in 2021 even a very good fulfillment with 82%, which is the best ranked unit in the SWPR.

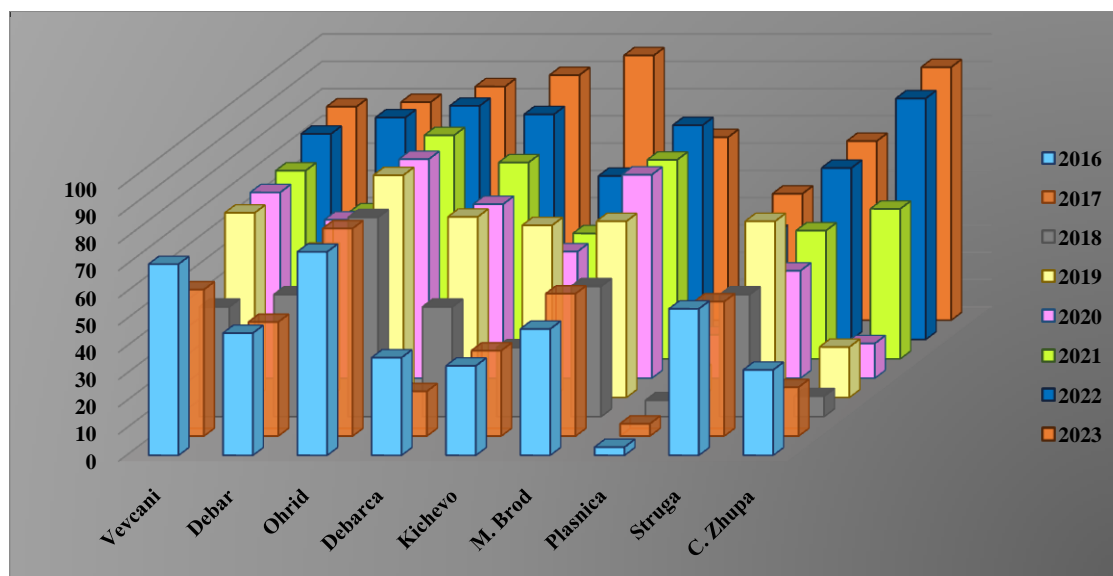


Chart 2: Ranking of LSGUs in SWPR according to the active transparency in the period 2016-2023 [tab. 2]

But, the last two years (2022 and 2023) the municipalities of Centar Zhupa and Kicevo took over the primacy of municipality of Ohrid, which it had for years was undisputed in the first position in the region according to the active transparency. In just one year (2022), the municipality of Centar Zhupa improved its active transparency by as much as 33 percentage points. In 2023 the municipality of Kicevo took over the primacy of Centar Zhupa with an improvement of even 37.1 percentage points compared to 2022 and from last year's penultimate place in region, is now in 2023 in the first position. However, the situation with the municipality of Ohrid is a bit worrying, because once the undisputed first position in the region according to active transparency, Ohrid, is the fourth place this 2023 year.

The municipalities of Vevcani, Makedonski Brod and Debarca continue to improve active transparency and alternately share the second, third and fourth place in the analyzed period, while the municipalities of Plasnica and Struga reach the last places, thus remaining in the worst group of very poor performance. The largest decline in the fulfillment of obligations is observed in the municipality of Struga, which in the 2020 year has only 39.4% fulfillment or a negative decline of -25.2%.

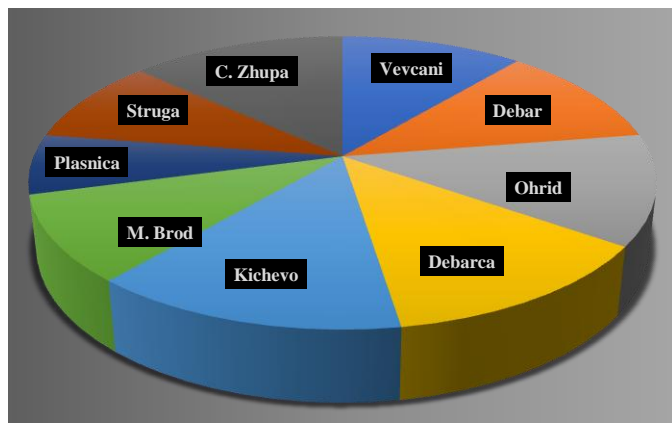


Chart 3: Ranking of LSGUs in SWPR according to the active transparency in the 2023 [tab. 2]

The other LGUs from SWPR do not practice active transparency at the required and expected level so they should principally follow the example of the municipalities of Ohrid, especially the example from Centar Zhupa and Kicevo and seriously work on solving the problem of active transparency by regularly informing the public, open sessions at the council of units, attendance at sessions, participation in decision-making by organizing a referendum, civic initiatives, gathering of citizens or by exercising the right to submit complaints.

CONCLUSION

The increase of the need, as well as the manner of providing active transparency in the operation of the LSGU, amended by the Law on Free Access to Public Information and other laws and bylaws contribute to customary informing of the public by the local self-government units. All of the above-mentioned allows the information holders to show every movement of the information they need to publish within their units, which gives the citizens the opportunity to demand accountability and responsibility from the units themselves.

However, comparatively analyzed data show that SWPR holds the average fifth place with an average fulfillment of obligations of 53.975% according to the index of active transparency, although it is the most developed tourist region in Macedonia. The fact that the municipality of Ohrid is constantly on the first place and has a good fulfillment of the obligations is to be welcomed, and in 2022 and 2023 providing even a very good fulfillment with 85.7%. The same example follows the municipalities of Centar Zhupa (92.8%) and Kicevo (97.1%).

The other SWPR units should follow the example of the municipalities of Ohrid, especially the example from Centar Zhupa and Kicevo and seriously work on solving the issue of active transparency through regular information to the public, open sessions of the council of the units, attendance at the sessions, participation in decision making by organizing a referendum, civic initiatives, gathering of citizens or by using the right to submit complaints.

Additionally, in order to improve the transparency and accountability, the LSGUs should create an opportunity to organize joint analyzes of responsibility, integrity, budget and financial transparency, information on the competence and the services offered by the units themselves.

They should also accept any remarks and conclusions arising from active transparency research.

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