Independent Reporting Mechanism (IRM) Progress Report 2014-2015: Serbia

European Policy Centre – CEP.

Table of Contents

Executive Summary: Serbia

Independent Reporting Mechanism (IRM) Progress Report 2014-2015

Completion of Serbia's first action plan was relatively high. The government achieved significant reforms in budget transparency and civil society capacity building. However, subnational involvement was a challenge. For the next plan, the Ministry of Public Administration and Local Self-Government will need to reach out more proactively to Serbia's rich nonprofit community and strive to bring subnational governments into the OGP process.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The IRM carries out a biannual review of the activities of each OGP-participating country.

Serbia submitted its letter of intent to join the OGP in 2012. It developed its action plan from December 2013 to December 2014.

The Ministry of Public Administration and Local Self-Government (MPALSG) is the leading agency responsible for Serbia's OGP commitments. However, a debate exists on whether the MPALSG should be the institution leading OGP in Serbia. Section I covers this debate in more detail.

Finally, it must be noted that the central level has few "sticks" to compel local government to adhere to legally non-binding initiatives.

OGP PROCESS

Countries participating in the OGP follow a process for consultation during development and implementation of their OGP action plan.

A project group was established in December 2013 to draft the action plan, but only participated in the last of the three increasingly well-attended meetings through July 2014. While it was open to receiving written contributions from CSOs, the project group sent written contributions to the responsible departments for feedback, which slowed the process and the comments' ability to influence the draft. Some CSOs also reported that the draft they were presented was pre-defined by government and that they have not received adequate responses on why their suggestions were not incorporated.

The MPALSG did not establish an OGP-specific ongoing multistakeholder forum, although it prepared for such a forum during the process of developing this report.

Finally, the government provided a draft mid-term self-assessment for public comment a few weeks after the deadline. The final version was published late in the process of completing this progress report.

At a glance

Member since:	2012
Number of commitments:	13

Level of Completion:

Completed:	2 (15%)
Substantial:	6 (46%)
Limited:	5 (39%)
Not started:	0 (0%)

Timing:

On schedule:	5 (39%)

Commitment Emphasis:

Access to information:	11 (85%)
Civic participation:	6 (46%)
Accountability:	5 (39%)
Tech. & innovation for transparency & accountability:	3 (27%)

Number of Commitments that Were:

Clearly relevant to an OGP value:	12 (92%)
Of transformative potential impact:	1 (8%)
Substantially or completely implemented:	8 (62%)
All three (✪):	0 (0%)

COMMITMENT IMPLEMENTATION

As part of OGP, countries are required to make commitments in a two-year action plan. Serbia's action plan has four thematic sections**:** fiscal transparency, fight against corruption, access to information**,** and public participation. A total of 13 commitments have in total 25 milestones. For each commitment, the following table summarizes the level of completion, ambition, whether it falls within the planned schedule, and the key next steps for the commitment in future OGP action plans.

Serbia's action plan did not contain any starred commitments. Starred commitments are measurable, clearly relevant to OGP values as written, of transformative potential impact, and substantially or completely implemented. Note that the IRM updated the star criteria in early 2015 to raise the bar for model OGP commitments. Under the old criteria, Serbia would have received seven stars. See http://www.opengovpartnership.org/node/5919 for more information.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
1. Transparency in monitoring budget expenditures	■	■	■		■	■	■		Unclear
1.1: Annual reports on budget inspection	■	■			■	■	■	■	Unclear
1.2: Local self-government budget execution reports	■	■			■	■			Unclear
1.3: National civil budget document	■	■	■					■	Unclear
1.4: Local self-government civil budget document	■	■	■			■			Unclear
2. Law on Financing Political Activities	■	■	■		■	■	■	■	On schedule
3. Transparent public procurement procedures	■	■	■		■	■	■		On schedule
3.1: Improving the Public Procurement Portal	■	■	■		■	■	■		On schedule
3.2: Improving the system for electronic public procurement	■	■			■	■	■		On schedule
4. Transparent financing of civil society organizations	■	■	■		■	■			Behind schedule
4.1: Annual summary reports on expenditure	■	■	■		■	■			Behind schedule
4.2: Obligatory publishing on e-government portal	■	■	■		■				Behind schedule
4.3: Capacity-building for civil society cooperation	■	■	■			■	■		On schedule
5. Extending and clarifying responsibilities of the Anti-Corruption Agency	■	■	■		■	■			Behind schedule

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
6. Whistleblower protection trainings and campaigns	■	■	■		■	■	■		Behind schedule
6.1: Civil servant trainings	■	■			■	■			Behind schedule
6.2: Awareness-raising campaigns	■	■	■		■	■	■		On schedule
7. Draft law regulating inspections in public administration	■	■			■	■	■	■	On schedule
8. E-government portal awareness and mobile application	■	■			■		■		Unclear
8.1: Raising awareness	■	■			■	■			Unclear
8.2: Improving mobile access	■	■			■				Behind schedule
9. Public administration website harmonization and amendments to the Law on Free Access to Information of Public Importance	■	■	■	■	■	■			Behind schedule
9.1: Harmonize websites	■	■	■		■	■			On schedule
9.2: Access to Information Law	■	■	■		■				Behind schedule
10. New technologies to improve citizen services	■	■			■	■			Behind schedule
10.1: Electronic Bulletin Board in police stations	■	■			■	■			Behind schedule
10.2: Electronic services for personal documents	■				■	■			Behind schedule
11. Cooperation with civil society organizations in public policymaking	■	■	■		■	■	■		On schedule
11.1: National Strategy for the Enabling Environment for the Development of Civil Society	■	■	■		■	■	■		On schedule
11.2: Law on Local Self-government	■	■			■	■			Behind schedule
12. Citizen participation in local government affairs	■	■	■		■	■	■		Behind schedule
12.1: Additional Protocol to the European Charter of Local Self-government	■	■			■	■			Behind schedule
12.2: Strengthening local capacity	■	■	■		■	■	■	■	On schedule
13. Civil society participation in monitoring the Public Administration Reform Strategy (PAR)	■	■	■		■	■	■		On schedule

Table 2: Summary of Progress by Commitment

NAME	SUMMARY
1. Transparency in monitoring budget fund expenditures • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial	This commitment aimed to improve the transparency of budgets at national and local levels, in the Serbian context of low compliance with budgetary control and accountability standards. The government completed the national components of the commitment, publishing a budget inspection report and the citizens' budget. However, at the local level, implementation and verification of the two subnational commitments was weaker. The IRM researcher used a random sample of local self-governing units (LSUs) and found that less than half published reports on budget execution and none published a citizens' version of the budget. In addition to ensuring implementation of these commitments, ambitious new commitments could include program-level budgeting and participation in the budget process.
2. Law on Financing Political Activities • OGP value relevance: Clear • Potential impact: Moderate • Completion: Complete	Political financing is a key area in fighting corruption and is one of the priorities in Serbia's European integration process. The commitment was completed, in that the existing Law on Financing Political Activities was amended. However, after an inclusive process to develop the draft law, the ruling party later introduced a number of amendments in Parliament, some of which key stakeholders strongly questioned. Possible next steps are to assess the Law's effects, and publicize the path the draft law took before adoption. Finally, relevant independent bodies like the Anti-Corruption Agency will need to find ways to collaborate more effectively.
3. Transparent public procurement procedures • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial	This commitment is important in the fight against corruption, and the activities could significantly affect that fight. The Law on Amendments to the Law on Public Procurements changed the procurement portal, but not all of the changes are clear. The end of term IRM report on the full period of implementation will be informative. The electronic public procurement system began improvements through the support of UNDP- and OSCE-funded projects. For next steps, users need a more intuitive Procurement Portal. In the next OGP action plan, CSOs and the government could discuss a commitment on public procurement civil oversight, particularly in the security sector.
4. Transparent financing of civil society organizations • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	The summary reports on annual expenditures are part of the Office for Cooperation with Civil Society's (Office for CSOs) day-to-day activities, but reports lagged due to the lack of capacity within the Office. Tenders were not published on the e-government portal. The Office for CSOs conducted ten trainings across 110 LSUs, which gathered over 200 people. However, the guide for transparent financing has only been prepared internally. Regular reporting on government funds allocated to CSOs is a significant policy issue in Serbia. However, commitments should move beyond access to information towards greater participation. Additionally, non-financial state support such as property could also be included in the next OGP action plan. Finally, given the low public awareness of the e-government portal, substantial effort to address actual implementation and uptake will be necessary.
5. Extending and clarifying responsibilities of the Anti-Corruption Agency • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	The Anti-Corruption Agency (ACAS) helps control public resource allocation, uncover irregularities, and strengthen integrity. While the Minister of Justice signed the decision to establish a working group to draft the law in March 2015, there is no indication that the group has met. The amendments would strengthen the ACAS's control of assets and enable it to act upon anonymous notifications, which it previously was not able to do. But the amendments should not be limited to conflicts of interest. Other priorities include the transparency of decision making processes and the regulation of lobbying activities.
6. Whistleblower protection trainings and campaigns • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial	Except for one civil servant training, the IRM researcher could not find reliable information on additional trainings, such as location, length, or participants. However, the Ministry of Justice, with the support of the USAID Judicial Reform and Government Accountability Project (JRGA), led an awareness-raising campaign on the Law on the Protection of Whistleblowers. According to JRGA, the campaign lasted for June 2015 and resulted in 120 news reports and more than 300 national-level television broadcasts. Thus, the first activity was positive but limited in scope. Because there is low understanding among the wider public on the whistleblower law, the campaign is a significant step. Moving forward, independent state institutions should be more involved in commitments directly concerning their activities.
7. Draft law regulating inspections in public administration • OGP value relevance: Unclear • Potential impact: Moderate • Completion: Complete	The government adopted the proposal on the inspection oversight framework in early 2015, and the law entered into force on 29 April 2005. While inspections guarantee compliance with laws and protect public goods, this commitment does not have clear relevance to OGP values because it does not have a public-facing element. Still, it is the necessary foundation for establishing a future technological innovation that, informants believe, will allow citizens to follow inspections online with ease.

Table 2 Continued

8. E-government portal awareness and mobile application • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	The first milestone regarding raising awareness was not specific. Only some trainings occurred. The Government Annual Work Plan did not include developing a cellular application for the e-government portal due to lack of financial resources. This illustrates that the planning for the OGP action plan was not well connected to the budgetary planning process. One of Serbia's issues in public administration reform has been sidelining investment in ICT and e-government. Therefore, the commitment is not sufficiently ambitious, although a mobile application could help in promoting the portal. Moving forward, a strategic approach is needed, and Montenegro could be a regional good practice example. Additionally, the next OGP action plan should incorporate a section on opening key data, not opening data for open data's sake.
9. Public administration website harmonization and amendments to the information access law • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited	The annual report on website harmonization for 2014 was adopted in July 2015, outside this report's time period. The Directorate delivered preliminary scores to all public administration bodies in December 2014, so those offices could adopt the recommendations. No activity on the Law on Free Access to Information of Public Importance took place, which would oblige public authorities to maintain an informative website, require public authorities to submit draft legislation to the Commissioner for opinion, and authorize the Commissioner to file misdemeanor charges for violation of the right of access to information. The lead agency reported that the contemplated changes are not "fundamental" and, therefore, do not require public consultation. However, the IRM researcher considers a public discussion on the law key to enabling CSOs and citizens to contribute to the policymaking process.
10. New technologies to improve citizen services • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	The Electronic Bulletin Board for information in police stations is stalled at testing. The second milestone on personal document e-services was completed in test form, but was also stalled for back-end processes. It was unclear to which extent these activities occurred prior to the adoption of the OGP action plan. So while including the topic of security in Serbia's OGP initiative is a promising start, more ambitious next steps are needed. The IRM researcher deemed the open-source Police Internet Platform, built for Belgian Police's websites, as a commitment that could be considered in the future OGP action plan. The Belgrade Centre for Security Policy also can provide recommendations on preventing corruption in policing. Finally, the Open Gov Guide contains a variety of model commitments, including publishing police-related information, surveys about police performance, and crime maps.
11. Cooperation with civil society organizations in public policymaking • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial	This commitment aimed to provide a strategic framework for engagement in policymaking. The Office for CSOs held consultative meetings and started a public discussion period, although it was started late. However, it is not clear when a public discussion will take place between CSOs and the LSUs and, subsequently, when the draft will be submitted to the government. Still, the commitment's specific activities and participatory design could be a significant step forward. The Office for CSOs should build capacity within the public sector for effective engagement with civil society, rather than splitting its already scarce resources. The next action plan also should include civil society capacity building for local participation in policymaking.
12. Citizen participation in local government affairs • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial	Prior to the commitment, the government carried out the preparatory tasks for signing the Additional Protocol to the European Charter of Local Self-Government. Since this Protocol guaranteed the participation of citizens in local public affairs, the IRM researcher found no evidence of progress. The Office for CSOs completed the second milestone on local capacity, an ongoing activity under the Civil Society Enabling Environment (CSEE) Project, with a slight delay. The first milestone and its value should be reconsidered and assessed. For clarity, future commitments should be divided more carefully according to topics rather than level of governance. The next action plan should consider that CSO representatives' engagement in monitoring implementation of strategic documents is particularly low, as the LSUs do not have adequate functional procedures.
13. Civil society participation in monitoring the Public Administration Reform Strategy (PAR) • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial	The PAR Strategy prescribed the creation of the interministerial project group gathering civil servants and CSO representatives and was substantially completed. The interministerial project group was established on 23 February 2015. As this report, two meetings took place. However, this entity is essentially a working group of public administration bodies that need to coordinate the implementation of the PAR Strategy and the action plan, and civil society has only a monitoring role for corrections and consultations. Still, implementation of this commitment should be continued, as it builds institutional memory of cooperation and mutual trust. Various sub-groups could be formed depending on the issue of activity to manage difficulties of size.

RECOMMENDATIONS

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessments. These recommendations follow the 'SMART' logic: they are Specific, Measurable, Answerable, Relevant, and Time bound.

The IRM researcher offers the following five recommendations in the SMART format. They are drawn from the findings of the report in terms of process, commitments, country context, and stakeholder priorities.

TOP FIVE 'SMART' RECOMMENDATIONS
1. The MPALSG, with the support of the Office for Cooperation with Civil Society, should organize consultative meeting with external stakeholders (not only civil society organizations, but also the private sector) to discuss the mechanisms for the multistakeholder consultations and the drafting process of the next action plan.
2. The MPALSG should assess available human and financial resources devoted to the OGP process to choose the optimal options for an OGP communication approach, awareness-raising campaign, and broader geographical reach of consultations beyond the capital city.
3. The MPALSG should coordinate the project drafting group, not merely gathering input but also ensuring that the document is coherent and that the lead and partnering agencies are aware of other milestones that are not under their purview.
4. The MPALSG should initiate the action plan consultation process in the presence of the representatives identified from concerned state bodies, and it should be done prior to developing a working draft to allow for external stakeholders to have a substantial impact in the stage of formulation.
5. The MPALSG should develop a model of maintaining contact and cooperating with local self-government units and the Standing Conference of Towns and Municipalities in the drafting, implementation, and assessment stages.

Eligibility Requirements 2014: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section IX on eligibility requirements at the end of this report or visit http://www.opengovpartnership.org/how-it-works/eligibility-criteria.

Amanda Orza is a Researcher at the European Policy Centre, Belgrade. She has carried out a number of analyses in the field of public administration reform, particularly focusing on policymaking and coordination in European accession negotiations, participatory policymaking, and better regulation. Besides her research in the civil society sector, Orza also works in consulting and currently is based in Belgium.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

I. National participation in OGP

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

History of OGP participation

Serbia began its formal participation on 28 March 2012, when Jasna Matić, one of the state secretaries under the Ministry of Culture, Media and Information Society,[1] declared the country's intention to participate in the initiative.[2]

To participate in OGP, governments must demonstrate commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective, third party indicators are used to determine the extent of country progress on each of the dimensions. See Section IX on eligibility requirements for more details.

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Action plans should set out governments' OGP commitments, which move government practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Serbia developed its national action plan from 16 December 2013 to 25 December 2014. The effective period of implementation for the action plan adopted in December was officially 1 October 2014 through 31 March 2016, although it should be noted that the dates of implementation are not always stated explicitly in the action plan. This midterm progress report covers the first nine months of implementation, from 1 October 2014 to 31 June 2015.

As a policy, the IRM does not consider activity undertaken prior to the publication of the country's action plan. This is to avoid overstating completion of activities related to the national action plan. However, this policy does not apply to Serbia because various draft versions of the commitments existed, and careful analysis of the drafts, final version, and commitment completion (as summarized in Section II of this report and detailed in each commitment's analysis) show that no completion was retroactively overstated.

The government was supposed to publish its self-assessment report in October of 2015. The government provided a draft self-assessment report during the process of writing this report, but no final version was available.

To meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP partnered with Amanda Orza of the European Policy Centre (CEP), who carried out this evaluation of the development and implementation of Serbia's first action plan. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country. Methods and sources are discussed in a methodological annex in this report.

Basic institutional context

The Ministry of Public Administration and Local Self-Government (MPALSG) is the leading agency responsible for Serbia's OGP commitments. In 2013, the responsibility

resided with the Ministry of Justice and Public Administration (MJPA), but following parliamentary elections on 16 March 2014 the Law on Ministries split that ministry into two line ministries, the MJPA and the MPALSG.[3] These elections and government changes of reshuffling ministry portfolios and personnel halted ongoing activities and slowed down the efforts of the OGP contact point. Moreover, a civil servant from the Ministry of Trade, Tourism and Telecommunications told the IRM researcher in an off-the-record informal meeting following the 2014 elections that it takes a ministry on average six months to continue where it left of prior to elections.

Additionally, the link between the government and line ministries planning and budget processes is still rather weak. This weakness results in planning documents without budgets, leading to flawed implementation and monitoring. Moreover, as often happens with international commitments, there is a lack of human capacity dedicated to the coordination of OGP. There is little to no funding for the adopted activities, as the analysis in Section IV, and particularly commitment 10, will illustrate.

A debate exists about whether the MPALSG should be the institution leading OGP in Serbia. On the one side, stakeholders say that it is intuitive that the MPALSG lead, given that valuable, core topics of open government such as transparency, public accountability and integrity, and civic participation in policymaking on the central and local level are best coordinated through the mandate of this ministry.

As one example, when the OGP action plan was in the final stages of drafting, MPALSG was also drafting the Action Plan for the Implementation of the Public Administration Reform Strategy with the participation of civil society representatives. That action plan, covering the period 2015-2017, recognized the OGP action plan as a lateral, relevant strategic document[4] and adopted it as an activity under the goal of increasing citizen participation, transparency, increasing ethical standards and accountability in performing public administration affairs.[5] In this respect, the OGP action plan has additional relevance, as it will be implemented in coordination with the action plan for public administration reform, a far-reaching, comprehensive document. A number of civil society representatives, notably Transparency Serbia, Educational Centre, and the Center for Research, Transparency and Accountability (CRTA) lobbied—through consultations and direct meetings—for the introduction of OGP in the Public Administration Reform Strategy.[6] The inclusion of OGP into national priorities will be discussed below in Section IV, commitments 10 and 13.

On the other side, a line ministry has difficulty imposing initiatives on other ministries with which it is on equal footing. This was evident from the drafting of the action plan, when representatives of institutions and state agencies contributed without a higher authority organizing and prioritizing the distinct government contributions. This in turn resulted in a document that CSOs believe lacked coherence.[7]

However, while there are successful comparative examples where the center of government such as the Prime Minister's Office coordinates the OGP process, in Serbia the current option may be the better solution. While it would indubitably add much-needed political relevance to the process, it possibly would reduce the technical specificity of the document.

The ministerial decision to form a 'project group' to draft the action plan was adopted on 16 December 2013. As detailed in the next section, the group enlisted nine civil servants and one political appointee. Three came from the ministry in charge at the time, five came from other ministries, one came from a 'special organization' with the responsibility to support civil society engagement,[8] and one from an anticorruption regulatory body.[9] Later, other agencies were included. The adopted action plan incorporates twelve leading and partner agencies, alongside local self-government units (LSUs) that perform inspection oversight, and USAID.

USAID did not participate in the project group, but it provided a supporting role. This role focused on clarifying OGP values, standards, structure and process, as well as argumentation and definitions in the beginning of the drafting, after the call from the Directorate for Digital Agenda.[10] For instance, USAID assisted in developing the action plan's structure according to policy areas and suggested activities that should be priorities in the given time span. Following the adoption of the action plan, USAID did not have an active role in the implementation.

The EU integration process is also a key part of Serbia's OGP process. At the onset of OGP involvement, Serbia was a candidate country. Following the adoption of the negotiating framework with Serbia by European Council, the first Intergovernmental Conference between Serbia and the EU was held in January 2014. The obligations to attain certain standards and fulfill conditions for the EU accession process provide an environment conducive to OGP goals. Many commitments relate directly to the accession, and the topic is covered in more detail in the section on country context.

Finally, it is important to note that Serbia is a centralized system, but the central level has few "sticks" to compel local government to adhere to nonbinding initiatives. Given that six commitments were relevant to the local level, this created a challenge particularly in the process of monitoring and reporting, due to LSUs' low response rate. Additionally, on the local level there is a low awareness of national governments' actions and the bigger picture of OGP in Serbia. Although LSUs are aware of particular initiatives, having participated in their implementation, they still are not aware of other commitments and broader OGP goals. Lack of awareness of OGP on the local level stems, at least in part, from the fact that consultations were held only in the capital predominantly without encompassing the private sector or LSUs (see Section II on the development of the action plan).

Methodological note

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In Serbia, the IRM partnered with CEP. CEP performed desk research of publicly available information, such as the Strategy for Public Administration Reform, the Anticorruption Strategy and the Strategy for the Development of Public Procurement, and the strategies' related action plans, which are relevant to fully grasp OGP-related commitments.[11] CEP also interviewed the contact point in the MPALSG and other appropriate government officials, and CEP gathered civil society perspectives through additional interviews and a stakeholder forum. Finally, CEP carried out two surveys, one through the Office for CSOs aimed primarily at CSOs and interested general public and the other LSUs. Further details of these sources can be found in the methodological annex to this report.

This was the first action plan developed and evaluated for Serbia, which therefore means that there is no previous review of OGP performance upon which this report would build. An end of term report that covers the action plan's second year of implementation will be published.

[1] Republic of Serbia, Conclusion No. 05 345-03-1758/2012, 2012.

[2] Jasna Matic, letter to the OGP Steering Committee of the Republic of Serbia's intention to join OGP, 21 March 2012, http://goo.gl/jGdh74

[3] Republic of Serbia, "Law on Ministries," Official Gazette of the Republic of Serbia, No. 44/2014, 14/2015 i 54/2015, 2015, [Serbian] http://goo.gl/yhr7rO

[4] Ministry of Public Administration and Local Self-Government (MPALSG), "Action Plan for the Implementation of the Public Administration Reform Strategy for the Period 2014-2016," Official Gazette of the Republic of Serbia, No. 145/2014, 2014, 56.

[5] MPALSG, "Public Administration Reform Strategy," 65.

[6] Ivan Branisavljevic, External Consultant at Educational Centre, interview with the IRM researcher, Belgrade, 13 August 2015.

[7] Miodrag Milisavljevic, "Open Government in Serbia: The Implementation of the Action Plan for the Implementation of the initiative Open Government Partnership 2014-2015" (consultative meeting, Palace Serbia, Belgrade, 21 September 2015).

[8] The Office for Cooperation with Civil Society is established to perform expert tasks for the government such as initiating dialogue with civil society and creating a conductive environment for forming and monitoring implementation of policies and legal acts. Republic of Serbia, "Regulation on Office for Cooperation with Civil Society," Official Gazette of the Republic of Serbia, 05 No. 110-2785/2010, April 2010, 15.

[9] The Anti-Corruption Agency is established through the Law on the Anti-Corruption Agency. Republic of Serbia, "Law on Anti-Corruption Agency," Official Gazette of the Republic of Serbia, No. 97/08, 53/10, 66/11-УС, 67/13-УС и 8/15-УС.

[10] Marijana Trifunović-Stefanović, representative of the USAID Judicial Reform and Government Accountability Project, interview with the IRM researcher, 19 August 2015.

[11] MPALSG, "Action Plan for the Implementation of Initiatives: Open Government Partnership," Official Gazette of the Republic of Serbia, no. 145/2014, 2014, http://bit.ly/1IVvP1l

II. Process: Action plan development

A project group was established in December 2013 to draft the action plan, but it only participated in the last of the three increasingly well-attended meetings through July 2014. The project group sent the written contributions from CSOs to the responsible departments for feedback, which slowed down the process and the comments' ability to influence the draft. Some CSOs also reported that the draft they were presented was pre-defined by government and that they have not received adequate responses on why their suggestions were not incorporated into the final plan.

Countries participating in OGP follow a set process for consultation during development of their OGP action plan. According to the OGP Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation;
- Consult widely with the national community, including civil society and the private sector, seek out a diverse range of views, and make a summary of the public consultation and all individual written comment submissions available online;
- Undertake OGP awareness-raising activities to enhance public participation in the consultation; and,
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is discussed in Section III: Consultation during implementation:

- Countries are to identify a forum to enable regular multistakeholder consultation on OGP implementation—this can be an existing entity or a new one.

This is discussed in the next section, but evidence for consultation both before and during implementation is included here and in Table 1, for ease of reference.

Table 1: Action Plan Consultation Process

Phase of Action Plan	OGP Process Requirement (Articles of Governance Section)	Did the Government Meet This Requirement?
During Development	Were timeline and process available prior to consultation?	No
	Was the timeline available online?	No
	Was the timeline available through other channels?	No
	Was there advance notice of the consultation?	Yes
	How many days of advance notice were provided?	9
	Was this notice adequate?	Yes
	Did the government carry out awareness-raising activities?	Yes

	Link to awareness-raising activities.	See narrative below.
	Were consultations held online?	No
	Were in-person consultations held?	Yes
	Was a summary of comments provided?	No
	Were consultations open or invitation-only?	Open
	Place the consultations on the IAP2 spectrum.[1]	Consult
During Implementation	Was there a regular forum for consultation during implementation?	No

Advance notice and awareness-raising

The following timeline of meetings with CSO representatives will be useful for understanding the action plan development process:

- Meeting 1: 18 October 2013
- Meeting 2: 24 April 2014
- Meeting 3: 4 July 2014

At the onset of Serbia's participation in OGP, the MJPA was in charge. On 9 October 2013, the MJPA issued a public call for participation, published only on its official website nine days prior to the date of the consultation.[2] The government also reported publishing the call on the website of the Office for Cooperation with Civil Society, but the researcher could not find a link to this page given the overhaul and revamp of the Office's website. The call targeted all interested parties that work on issues pertinent to the commitments and measures in the action plan, to discuss the nature of the cooperation of the public and civil sector during the process.

At the beginning of work on OGP, a single civil servant was responsible for the coordination and launching of the initiative, in addition to her other standing tasks. As a result, there were only limited activities aimed at either raising awareness among civil servants or the citizens.

The preliminarily meeting with the CSOs took place on 18 October 2013. The invitation was public and open to all. Nine CSO representatives showed interest and took part in the meeting,[3] alongside three representatives of the public administration, two civil servants from the MJPA, the Assistant Minister in charge, and one representative from the Office for CSOs. The Office for CSOs is an important asset for the Serbian OGP process. It has developed a solid relationship with CSOs since its establishment in 2010, and it has built a reputation of being an ally in the public sector to push for opening the system towards external stakeholders.

At the first meeting in October, the Assistant Minister Vladana Jovic presented the program as well as the working plan for developing the OGP action plan and the project group. The participants agreed on the structure and CSOs' level of involvement, given that CSOs do not have sufficient capacities to select and delegate a representative who would participate in the group. The parties agreed to regular consultative meetings as long as they were truly consultative and not merely conducted pro forma.

Finally, it was decided MJPA would publish a website form to gather written CSOs comments, proposals, and suggestions to the selected draft action plan topics prior to the meeting of the group to include them in the agenda of the meeting. The IRM

researcher was unable to verify that this occurred. The meeting of the group developing the OGP action plan took place on 25 December 2013.

The call for proposals to improve the working version of the action plan was made on 17 April 2014.[4] Eighteen CSO representatives attended the second meeting, on 24 April 2014, although no particular awareness-raising campaigns had occurred. Prior to the meeting, the website of the Office for CSOs displayed the call for proposals. The government also reported publishing the call on the MPALSG website, but the researcher could not find a link to this page. The call incorporated three documents in Word format: (1) the working version of the OGP action plan, (2) the call for CSOs to take part in the meeting, and (3) a form to submit suggestions for improving the working version of the OGP action plan.[5] The form asked for general information, name, and contact details of the individual submitting the proposal. It had three sections: general remarks, remarks related to specific commitments and activities, and explanation of the proposal for amendments. Again, the objective was to have concrete suggestions in writing prior to the meeting.

On 17 June 2014, in cooperation with other bodies, the MPALG issued an open call for participation in the third meeting held on 4 July 2014. Significantly, the call for CSO participation was distributed on the website of the ministry in charge,[6] as well as on social networks,[7] the official website of the Office for CSOs, and the Office for CSOs' mailing list. It can be said that there was sufficient time for a broader range of CSOs to be informed of the meeting.

Depth and breadth of consultation

The IRM researcher attended the meeting on 24 April 2014. Ms. Jasmina Benmansur, Assistant Minister of Justice and Chairperson of the project group, chaired the meeting.

To ensure that the consultations would be constructive, only organizations that sent written contributions to the ministry prior to the meeting would be able to participate in the meeting. However, as the OGP point of contact told the IRM researcher, this condition was not strictly enforced. The goal of the meeting was to enable CSO representatives to justify and corroborate their written stances and comments. But because a number of participants had not submitted proposals prior to the gathering, organizations were allowed to join the meeting and discussion if it was assessed that they could contribute to the meeting.

CSOs that previously had engaged in the Serbian OGP process, such as CRTA, CEP, Citizens Initiative, Transparency Serbia, BIRN Serbia, and the Educational Centre, were present. Other attendees included the Share Foundation, the Lawyers' Committee for Human Rights (YUCOM), the Centre for Euro-Atlantic Studies (CEAS), the Belgrade Fund for Political Excellence (BFPE), the Socially Responsible Network (ANLI), and the Centre for Digital Democracy. In total, eighteen representatives from eleven organizations participated in the consultation. According to a representative of the Educational Centre, only five CSOs were active with OGP, although more were present.[8]

These organizations are registered and predominantly active on the national level. Thus, although the organizations brought a breadth of experiences and thematic representation, the meeting was held in Belgrade and lacked presence of local organizations or at least the Standing Conference of Towns and Municipalities (SCTM). This characteristic is discussed in more detail below.

The project group defined the focus of the action plan prior to the consultative meeting. The group raised numerous questions about the logic underlying the selection of some commitments. Furthermore, some organizations noted that a number of commitments were taken directly from other strategies and action plans. Organizations questioned the added value of the OGP action plan and the logic behind certain activities as milestones

over others. The Chairperson explained that the commitments and the milestones introduced were the result of the joint effort of representatives of the lead agencies and their partners.

The ministry faced constraints, namely, line ministries selected priorities for the overarching goal at the beginning of the process and needed to agree to all subsequent changes. The MJPA could not provide answers regarding commitments that were not under their responsibility and jurisdiction.

For example, the civil society representatives argued that there was a lack of focus on the digital agenda and e-government portal, which could serve as a useful tool for strengthening transparency, accountability, and public participation. In response, the Chairperson solicited written contributions and forwarded them to the Directorate for E-government, the responsible entity in this case.

Other questions and topics of discussion included:

- The importance of including independent state bodies and particularly the Ombudsman and the Commissioner for Information of Public Importance and Personal Data Protection, as these are institutions spearheading compatible initiatives to OGP.[9]
- Definitions of key terms, such as public integrity.
- The principles and guidelines to sections of the OGP action plan referring to citizens' participation in the drafting and monitoring.
- The importance of clearly defining deadlines for the implementation of planned activities.

The Chairperson assured participants that the comments and proposals would be taken into account and, if deemed feasible by respective institutions in charge, introduced in the OGP action plan. The Chairperson also suggested that consultative meetings might change into roundtable gatherings.

Finally, some stakeholders expressed concerns over the fact that the OGP action plan would not be finalized before the date set by the OGP for Serbia's group of co-participating governments. Therefore, Serbia would not have a representative at the OGP European Regional Meeting in Dublin in May 2014.[10] Those stakeholders pointed out that it would be relevant to participate in regional as well as global events to stimulate lesson sharing, mutual learning, and exchange better practices and challenges.

On 17 June 2014, MPALG issued an open call for participation in the second consultative meeting (the third meeting overall) on the draft action plan to be held on 4 July 2014.[11] The call included the draft so that organizations could prepare their comments in advance. Therefore, there was sufficient time for a broader range of CSOs to be informed. The goal of this third meeting (but only the second meeting in which a draft was available) was to review the content and decide what could be adapted before submitting it for the government to adopt. The IRM researcher attended this meeting.

The second draft version differed in a number of ways from the working version of the action plan available at the first consultative meeting. However, these changes concerned technical specifications of the same commitments, rather than new commitments and activities from CSOs' suggestions. For instance, a manual to introduce program budgeting and the trainings for civil servants was excluded from the fiscal transparency commitment in the second draft. Other commitments, like 9 and 11, acquired greater detail through including milestones.

MPALG State Secretary Mr. Zeljko Ozegovic opened the consultative meeting that project group Chairperson Ms. Jasmina Benmansur moderated. Other representatives of the project group were present, including Vesna Jevtic from the Ministry of Finance and

Milena Banovic from the Office for CSOs. The meeting gathered 31 representatives from 27 different organizations and two representatives of LSUs. Although State Secretary Ozegovic was present during the opening, he was not involved directly in activities under the OGP action plan.

Attendees at this meeting raised the following topics and concerns:

- The most pertinent question many CSOs raised was that they could not see their suggestions in the new draft, nor had they received adequate responses on why their suggestions were not included.[12] For example, the Educational Centre previously submitted comments about open data, but the last version of the draft did not mention them.[13] Attendees inquired about the extent the consultative meeting would impact the draft.[14] For this reason when asked to submit their comments in writing, a number of CSOs protested.
- Transparency Serbia suggested introducing open budgets as a new milestone of the first commitment as a more ambitious step beyond civil budget that would show a proactive stance towards publishing data. Due to the fact that this was a very specific proposal, the measure and activity was to be sent in writing to the MPALG, upon the request of the finance ministry's representatives.
- Participants voiced other concerns over the definition of commitments, which were considered too broad and open for interpretation. For instance, participants deemed commitment four on transparency of financing CSOs as unclear and difficult to monitor.

Participants were to submit all contributions regarding the aforementioned comments to the respective ministries by the end of the month of July.

The final adopted action plan shows that some civil society suggestions at the second consultative meeting were incorporated:

- The first commitment to improve the transparency in monitoring spending of budgetary resources introduced two milestones related to the civil budget on the national and local authority levels. Representatives from CRTA's initiative "Follow the Money!"[15] submitted written contributions and insisted on including this aspect.
- Some commitments gained specificity, while other commitments became less clear, in the final version. For example, all of the activities falling under the Public Procurement portal were gathered under one milestone, but with less specificity and fewer concrete deliverables. But additional milestones and clarifications were introduced to the commitment to improve transparency in allocating resources to public interest programs implemented by civil society associations.[16]
- Some commitments were eliminated, such as a commitment on measures to improve reporting to the public through public media.
- No clear trend emerged on changes to commitments' potential impacts between draft versions. For example, the commitment to improve the e-government portal in the final draft does not incorporate the ambitious step of obligating public administration bodies to publish (on the Portal) public discussions on laws and other regulations.[17] By contrast, in commitment six, a milestone was introduced to amend the Law on Access to Information of Public Importance. It reinforces the role of the Commissioner for Information of Public Importance and Personal Data Protection, which the Government Annual Working Plan had envisioned and planned over the previous two years.

In summary, the ministry organized two consultative gatherings on specific drafts with the CSOs. The government distributed commitments through an internal consultation processes following the work of the project group. There were no actors from the

private sector. Notably, in the last consultation, two representatives of local authorities were present, as well as USAID Justice Reform and Government Accountability Team Leader Marijana Trifunovic-Stefanovic. The CSOs presented different views from the government and added value to the discussion by raising points relevant to the development of a wide-reaching OGP action plan.

The draft presented to the CSOs in the beginning of July 2014 and the final adopted version differ, but not necessarily in aspects that were covered in the consultative meetings. Although the CSOs' written inputs were sent to the lead agencies concerned, and CSOs were noted as partners in the implementation, the final version of the action plan cannot be said to reflect the input of the stakeholders. Finally, the CSOs were not made aware of the final draft prior to its adoption.

Interviewees the IRM researcher consulted from the government institutions responsible for various commitments noted that the problem was not a lack of will to incorporate the contributions, but rather the fact that adopting the suggestions was not feasible in the timespan given. They offered reasons such as ambition, lack of financial resources, and lack of compatibility with the strategic framework and government working plans. Moreover, since this was the first OGP action plan, MPALSG felt that the commitments needed to have solid bases to build upon before inclusion. This thinking affected the commitments' level of ambition, as discussed in Section IV. MPALSG aimed to set feasible and realistic objectives at the beginning to galvanize wider support across the public administration.

[1] "IAP2 Spectrum of Political Participation," International Association for Public Participation, http://bit.ly/1kMmlYC

[2] The website is available here: http://goo.gl/yvtR8L

[3] Representatives of the following organizations were present: Citizens Initiatives, Transparency Serbia, Balkan Investigative Reporting Network Serbia (BIRN), Centre for the Development of Serbia, Centre for Research Transparency and Accountability (CRTA), Educational Centre, European Policy Centre (CEP), and Micro Art.

[4] The call for proposals was originally available at http://bit.ly/1OdqbM7 but was taken offline during the finalization of this report.

[5] See Ministry of Justice and Public Administration, "Call of the Ministry of Justice and Public Administration for proposals in Connection with the Open Government Partnership," Office for Cooperation with Civil Society, 17 April 2014, http://bit.ly/1mxn7RY

[6] This call was previously available at http://goo.gl/mS3lev but was taken offline during the finalization of this report.

[7] "Office for Cooperation with Civil Society of the Republic of Serbia," Facebook, https://www.facebook.com/vladaOCDrs; "Office for Cooperation with Civil Society of the Republic of Serbia," Twitter, https://twitter.com/vladaOCDrs; "Office for Cooperation with Civil Society of the Republic of Serbia," Linkedin, http://goo.gl/wrfiU6

[8] Ivan Branisalvljevic, External Consultant at Educational Centre, interview with the IRM researcher, Belgrade, 13 August 2015.

[9] Irina Rizmal and Tijana Vojinovic, researchers at the Center for Euro-Atlantic Studies (CEAS), expressed this opinion. It is included in publications. CEAS, "Mapping of Open Government Partnership in South East Europe: Serbia," March-May 2013, http://bit.ly/1NB8lQf

[10] See "Europe Regional Meeting: May 8 & 9," Open Government Partnership, http://bit.ly/1Txx4JR

[11] See "Invitation for Civil Society Organizations to Participate in the Consultative Meeting," MPALSG, http://bit.ly/1PFmBx0; "Call for Consultative Meeting of the Open Government Partnership," Office for Cooperation with Civil Society, http://bit.ly/1ZHLN8Q

[12] Rasa Nedeljkov, Program Manager at CRTA - Center for Research, Transparency and Accountability, interview with the IRM researcher, Belgrade, 3 September 2015.

[13] Ivan Branisavljevic and Ivan Grujic, in front of the Educational Centre argued that there is momentum in the EU for the digital agenda. The Directive on the Reuse of Public Sector Information (Directive 2003/98/EC, revised by Directive 2013/37/EU, which entered into force on 17 July 2013) provides a

common legal framework on open data. Serbia will have to harmonize its legal framework with the EU acquis communautaire.

14 Nemanja Nenadic, Program Director at Transparency Serbia, email exchange with the IRM researcher, 18 September 2015.

15 Prati Pare, more information available at: http://www.pratipare.rs/

16 Civil society and civil society organizations are not defined in the legal system in Serbia but are referred to under the term 'association' and regulated by the Law on Associations, Official Gazette of the Republic of Serbia" No. 51/09. The term "association" encompasses voluntary, non-governmental and non-profit organizations founded by more natural or legal persons, to protect and improve certain common or public good and interest, which is not prohibited by the Constitution or the law, and is registered in the registry of the competent authority in accordance with the law.

17 The Government Rules of Procedure require publishing a public call to participate in a public discussion on the website of the institutions and the Portal. Republic of Serbia, "Article 41. Public discussion, Government Rules of Procedure," Official Gazette of the Republic of Serbia, No. 61/06 – cons. text, 69/08 , 88/09 , 33/10 , 69/10 , 20/11 , 37/11, 30/13.

III. Process: Consultation during implementation

As part of their participation in OGP, governments commit to identify an existing or new forum to enable regular multistakeholder consultation on OGP implementation. This section summarizes that information.

Regular multistakeholder consultation

The ministry in charge of the OGP did not establish a multistakeholder forum or any other mechanism that would perform the purpose of monitoring the implementation of the OGP action plan in an inclusive manner. Following the adoption of the action plan for 2014-2015, the lead agencies and their institutional partners continued with the implementation of commitment activities as previously planned. Although CSOs were enlisted as partners in all of the commitments, interviews with the IRM researcher show that CSOs were not involved in implementation or monitoring. For instance, the National Strategy for the Creation of a Conducive Environment for Civil Society Development was drafted as a highly inclusive project with consultative meetings in 10 cities and public discussions in three cities deemed regional centers. Other activities, such as the improvement of the Public Procurement Portal and the e-government portal, had no further activities with the civil sector.

Through interviews with the ministry responsible for OGP and the Office for CSOs, the IRM researcher believes that there was a limited understanding of CSOs role. In milestones related to training and drafting laws, the Ministry wrote that civil society actors would be consultants. In the opinion of the IRM researcher, the Ministry believed this nominal designation constituted "consultation during implementation."[1]

However, the government institutions were eager to take up the OGP information and guidelines on multistakeholder consultations that the researcher pointed out.[2] On 23 November 2015, while preparing this report, the Office CSOs and the MPALSG published a public call to CSOs to propose candidates from the civil sector to take part in the Special Interministerial Working Group, a group that would draft the second OGP action plan. The deadline for submissions was 3 December 2015. This demonstrates that the coordinating ministry recognizes CSO and stakeholder participation in decision making as a key factor.

The main tasks of the group will be implementing consultations with civil society on the draft second action plan, monitoring implementation of action plan activities, proposing action plan amendments, and preparing interim and final reports on the action plan implementation.[3] Any CSO is eligible to propose one candidate for membership and deputy membership of the group, as long as they meet the following requirements: (1) they have been registered as a CSO for at least three years, (2) they work in areas relevant to OGP, and (3) they have conducted at least two projects or published a study in relevant areas in the past three years.

---

[1] Dragana Brajovic, Contact Point for OGP in the Ministry of Public Administration and Local Self-Government, interview with the IRM researcher, Belgrade, 10 August 2015.

[2] Milena Banovic, Head of Department for Planning and Creating an Enabling Environment for Civil Society at the Office for Cooperation with Civil Society, interview with the IRM researcher, Belgrade, 14 August 2015.

[3] "Public Consultations – Second Draft Catalogue Jobs and Titles," MSALSG, http://bit.ly/1ld9DdT; "Open Government Partnership: Candidacy for a Member of the Working Group," Office for Cooperation with Civil Society, http://bit.ly/1XLtTiC

IV. Analysis of action plan contents

All OGP-participating governments develop country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs. Action plans then set out governments' OGP commitments, which stretch practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Commitments should be appropriate to each country's unique circumstances and policy interests. OGP commitments also should be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP participating countries. The IRM uses the following guidance to evaluate relevance to core open government values.

Access to information

Commitments around access to information:

- Pertain to government-held information, as opposed to only information on government activities. As an example, releasing government-held information on pollution would be clearly relevant, although the information is not about "government activity" per se;

- Are not restricted to data but pertain to all information. For example, releasing individual construction contracts and releasing data on a large set of construction contracts;

- May include information disclosures in open data and the systems that underpin the public disclosure of data;

- May cover both proactive and/or reactive releases of information;

- May cover both making data more available and/or improving the technological readability of information;

- May pertain to mechanisms to strengthen the right to information (such as ombudsman's offices or information tribunals);

- Must provide open access to information (it should not be privileged or internal only to government);

- Should promote transparency of government decision making and carrying out of basic functions;

- May seek to lower cost of obtaining information;

- Should strive to meet the 5 Star for Open Data design (http://5stardata.info/).

Civic participation

Commitments around civic participation may pertain to formal public participation or to broader civic participation. They generally should seek to "consult," "involve," "collaborate," or "empower," as explained by the International Association for Public Participation's Public Participation Spectrum (http://bit.ly/1kMmlYC).

Commitments addressing public participation:

- Must open decision making to all interested members of the public; such forums are usually "top-down" in that they are created by government (or actors

empowered by government) to inform decision making throughout the policy cycle;

- Can include elements of access to information to ensure meaningful input of interested members of the public into decisions;

- Often include the right to have your voice heard, but do not necessarily include the right to be a formal part of a decision making process.

Alternately, commitments may address the broader operating environment that enables participation in civic space. Examples include but are not limited to the following:

- Reforms increasing freedoms of assembly, expression, petition, press, or association;

- Reforms on association including trade union laws or NGO laws;

- Reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions.

The following commitments are examples of commitments that would **not** be marked as clearly relevant to the broader term, civic participation:

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as "access to information");

- Commitments on decentralization that do not specify the mechanisms for enhanced public participation;

- Commitments that define participation as interagency cooperation without a mechanism for public participation.

Commitments that may be marked of "unclear relevance" also include mechanisms in which participation is limited to government-selected organizations.

Public accountability

Commitments improving accountability can include:

- Rules, regulations, and mechanisms that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

Consistent with the core goal of "open government," to be counted as "clearly relevant," commitments must include a public-facing element, meaning that they are not purely internal systems of accountability. While internal systems of accountability may be laudable and may meet an OGP grand challenge, they do not, as articulated, meet the test of "clear relevance" due to their lack of openness. Where such internal-facing mechanisms are a key part of government strategy, it is recommended that governments include a public facing element such as the following:

- Disclosure of non-sensitive metadata on institutional activities (following maximum disclosure principles);

- Citizen audits of performance;

- Citizen-initiated appeals processes in cases of non-performance or abuse.

Strong commitments around accountability ascribe rights, duties, or consequences for actions of officials or institutions. Formal accountability commitments include means of formally expressing grievances or reporting wrongdoing and achieving redress. Examples of strong commitments include:

- Improving or establishing appeals processes for denial of access to information;
- Improving access to justice by making justice mechanisms cheaper, faster, or easier to use;
- Improving public scrutiny of justice mechanisms;
- Creating public tracking systems for public complaints processes (such as case tracking software for police or anti-corruption hotlines).

A commitment that claims to improve accountability, but assumes that merely providing information or data without explaining what mechanism or intervention will translate that information into consequences or change, would **not** qualify as an accountability commitment. See http://bit.ly/1oWPXdl for further information.

Technology and innovation for openness and accountability

OGP aims to enhance the use of technology and innovation to enable public involvement in government. Specifically, commitments that use technology and innovation should enhance openness and accountability by:

- Promoting new technologies that offer opportunities for information sharing, public participation, and collaboration.
- Making more information public in ways that enable people to both understand what their governments do and to influence decisions.
- Working to reduce costs of using these technologies.

Additionally, commitments that will be marked as technology and innovation:

- May commit to a process of engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government;
- May commit to supporting the ability of governments and citizens to use technology for openness and accountability;
- May support the use of technology by government employees and citizens alike.

Not all e-government reforms improve openness of government. When an e-government commitment is made, it needs to articulate how it enhances at least one of the following: access to information, public participation, or public accountability.

Key Variables

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyses them for their first year of implementation.

All of the indicators and methods used in the IRM research can be found in the IRM Procedures Manual, available at (http://www.opengovpartnership.org/about/about-irm). One measure deserves further explanation, due to its particular interest for readers and usefulness for encouraging a race to the top between OGP-participating countries: the "starred commitment." Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.

2. The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.

3. The commitment would have a "transformative" potential impact if completely implemented.

4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of "substantial" or "complete" implementation.

Based on these criteria, the Serbian action plan did not receive any starred commitments.

Note that the IRM updated the star criteria in early 2015 to raise the bar for model OGP commitments. Under the old criteria, a commitment received a star if it was measurable, clearly relevant to OGP values as written, of moderate or transformative potential impact, and substantially or completely implemented. Based on these criteria, the Serbian action plan would have received seven starred commitments:

- 1: Transparency in monitoring budget expenditures
- 2: Law on Financing Political Activities
- 3: Transparent public procurement procedures
- 6: Whistleblower protection trainings and campaigns
- 11: Cooperation with civil society organizations in public policymaking
- 12: Citizen participation in local government affairs
- 13: Civil society participation in monitoring the Public Administration Reform Strategy (PAR)

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Serbia and all OGP-participating countries, please consult the 'OGP Explorer,' available at: http://www.opengovpartnership.org/explorer/.

General overview of the commitments

The Government of Serbia decided to focus on strengthening public integrity and on efficient management of public resources in the 2014-2015 action plan. The OGP action plan has four thematic sections: fiscal transparency, fight against corruption, access to information, and public participation. Thirteen commitments have in total 25 milestones.

There are 12 different government administration bodies, LSUs, and public administration bodies supervising as lead or partner agencies. CSOs are recognized as partners within all commitments, but in a vague and general way without reference to specific organizations or representatives. This did not lead to a substantial partnership between the civil society and public sectors.[1]

Out of the 13 commitments, most of the activities are relevant for the OGP value of access to information (11 of 13) and another nine activities are related to the value of public accountability. Although the milestones are envisioned in other strategic documents, it was estimated that there is added value in including them in this action plan. It applies to multiple sectors, thus bringing commitments under various policy fields together under one document. It also consolidates and specifies commitments, thus adding them more weight and importance.

This report covers the first nine months of implementation of Serbia's action plan, from 1 October 2014 to 30 June 2015. It refers to activities that are supposed to start within this period, but not necessarily be finalized. It also should be noted that the action plan

was adopted only on 25 December 2014, but still referred to the last quarter of 2014. As a policy, the IRM does not consider activity undertaken prior to the publication of the country's action plan to avoid overstating completion of activities related to the national action plan. However, this policy does not apply to Serbia as various draft versions of the commitments already existed, and careful analysis of the drafts, final version, and commitment completion show that no completion was retroactively overstated.

An end of term report that covers the action plan's second year of implementation will be published.

---

[1] For instance, the Serbian European Integration Office developed a practice and a software to keep track of the transposition of the EU body of law and alignment of the national legislation, where it not only assigns particular pieces of legislation to state bodies, but also names individual civil servants responsible. In this manner, that Office has a stronger grasp on implementation and assures monitoring. N.B. The Government Self-Assessment Report does exactly this and introduces particular individuals responsible for monitoring and reporting back on the implementation e.g. the lead is the Ministry of Finance and the responsible person is Žarko Savić, Head of the Department for Budget Inspection at the Ministry of Finance.

1: Transparency in monitoring budget expenditures

Action plan commitment text:

1. *Publication of the Annual Report on the work of Budget Inspection submitted to the Government for consideration and adoption*
   a. *Annual Reports published on the website of the Ministry of Finance and available to all interested parties.*
2. *Publication of the Report on Budget Execution which Minister, i.e. local self-government unit department responsible for finance, submit at least twice a year to the Government, i.e. to the competent authority of local self-government unit, for consideration and adoption, and submitting the same to the National Assembly, or Parliament of the local self-government.*
   a. *Reports published on the websites of state administration authorities and local self-government units, and available to all interested parties.*
3. *Publication of Civil Budget Document which in clear, simply, and understandable way, concisely summarizes the Budget of the Republic of Serbia to citizens.*
4. *Publication of Civil Budget Document which in clear, simply, and understandable way, concisely summarizes the Budget of the local self-government.*

Lead Agency: Ministry in charge of finance

Partner: The competent finance authorities of local self-government units (LSUs) and civil society organizations (CSOs)

Start Date: Quarter I 2015   End Date: Ongoing

Commitment overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
OVERALL				✔	✔						✔				✔	
1. Annual reports on budget inspection				✔	✔					✔						✔
2. Local self-government budget execution reports				✔	✔					✔				✔		
3. National civil budget document				✔	✔						✔					✔
4. Local self-government civil budget document				✔	✔						✔			✔		

Editorial Note: Under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented. The IRM updated the star criteria in early 2015.

What happened?

The IRM researcher was able to easily track progress on the milestones at the central level. The first milestone was fully completed, but not within the time frame envisioned. The annual report on the work of the budgetary inspection was published on the website of the Ministry of Finance on 29 May 2015, not during Quarter I of 2015.[1] The third milestone, the Citizens' Guide to the Budget of Serbia (the National Civil Budget Document) was published on 28 July 2015,[2] but given that there was no prescribed time limit in the OGP action plan, it cannot be judged whether this was on time.

The IRM researcher and the ministry in charge of the coordination of reporting and monitoring the implementation of the OGP action plan agreed that the local level was a challenge to evaluate as the ministry did not receive adequate information while compiling data for the self-assessment report. The IRM researcher distributed an online questionnaire, as elaborated upon in the methodology section of this report, to both LSUs and CSOs. However, the response rate was low, and the conclusions reflect merely the perception rather than the exact reality, given limited awareness on these activities. With those limitations that in mind, the IRM researcher compiled a random sample of 48 LSUs based on the classification brought forth by the 'Regulation on the establishment of a unified list of development of regions and LSUs' for 2014 to cross-reference data through archival research.[3]

The following results are relevant to the implementation of the second milestone regarding LSU budget execution reports:

- Fifty percent of LSU respondents deemed the milestone substantially completed; however, the same percentage of CSOs found it limited.
- Out of the sample of 48 LSUs of different development and geographical characteristics, only 22 published reports on the execution of the budget on their website.[4]

Another research project from the beginning of 2015, which encompassed a sample of 170 municipalities, found scarce availability of information on the execution of the budget in 2014. Only 39 municipalities had an available report on their website.[5]

Both studies include the decision on the final account, not only for narrative accounts.[6] The final account is a short, largely quantitative account, whereas the narrative explanation is more detailed and citizen-friendly. This distinction is relevant as the former is regulated through the Law on Local Self-Government and the Law on Budgetary System and is thus legally binding, while the latter shows a proactive stance towards enhancing transparency and openness of budgetary allocations.

Regarding the fourth milestone on the citizens' version of the budget on the local level:

- Respondents to the questionnaire have divergent views on the matter. Whereas around 26 percent of LSU representatives believed this milestone was completed substantially, and nearly 22 percent deemed it fully completed, 35 percent of CSO representatives deemed it to be limited, and another 35 percent said they do not know.
- Based on the random sample selected for analysis, the IRM researcher did not find any examples of civil budgets across LSUs.[7] However, a specific and good practice example known outside the IRM's sample is the city of Cacak. Cacak proactively publishes reports on large deviations from granted resources and

budget executions, received donations and debts, external audits, program budget outputs, and so forth.[8] Cacak also brought a Guide for Citizens into the Budget specific to the city.[9]

- The government's draft self-assessment report refers to CRTA data that 15 LSUs developed civil budgets. According to the report, CRTA will work on the development of a civil budget with four LSUs for 2015, and with 10 LSUs for 2016.[10]

Given the above, the IRM researcher considers the commitment overall to be substantially complete.

Did it matter?

Potential Impact

The OGP action plan frames the commitment's goal around the importance of control and accountability of the management of public resources. It further acknowledges that in Serbia, the level of compliance with these standards is not yet satisfactory. For instance, it notes that the general public is largely neither informed nor acquainted with the budget planning and expenditure processes.

During the stakeholder consultative meeting that CEP held for this IRM evaluation, civil society representatives in attendance questioned the added value in repeating requirements in the OGP context. For example, the first two milestones are obligations already regulated through the Law on the Budget System of the Republic of Serbia.[11] Moreover, LSUs are obligated to publish their budgets in the local official gazette. Also, the Ministry of Finance publishes a monthly bulletin of public finances, which includes the budgets of municipalities and towns, but it in a technical, aggregate manner for all LSUs concerned.[12] However, bearing in mind the low implementation of local activities, including it in the OGP action plan could add greater political relevance and focus and could have a significant positive impact, particularly if the representatives in charge of implementation are included in the process from the onset.

Further relevant context is provided by the international research on budgetary openness carried out biannually by the International Budget Partnership since 2008 in Serbia. Serbia's scores on the Open Budget Index have fluctuated from 46 (2008), 54 (2010), 39 (2012) to 47 (2015).[13] Serbia scored significantly less in 2012, and there is some inconsistency in which documents are made public from year to year. But the situation is showing improvements in 2015, going from minimal to some public information in its budget documents. In 2015, Serbia scored slightly better than the global average score (45). According to the most recent results, the Serbian government provides limited budget-related information to the public and is weak in opening venues for participation in budgetary processes. Whereas the budget oversight is limited with respect to the legislature, this Index ranks work done by the Supreme Audit institutions as adequate.[14] The lowest score concerns public participation (21), which is lower than the global average score of 25.

Given the context above, and considering the specific activities and their probable effects on the policy area, the IRM researcher rated the commitment as having substantial potential impact. The findings from the IRM researcher's online questionnaire corroborate this assessment.

It is interesting to note that the activities that respondents perceived as having limited potential impact concern the national and local citizens budget, despite continuous activities on the part of BIRN and CRTA to introduce the civil budget into the work of the Ministry of Finance. According to representatives of both organizations, after a two-year period of working on this methodology with the Ministry, it is a notable achievement that the citizens' guide was made public. However, as Ivan Branisavljevic noted in the

initial comment period for this report, the guide was not sufficiently covered in the media. This gave the impression of being a more *ad hoc* project, and not of a continuing activity. Given the importance of this document, the citizens should be made aware of it. Further, more impactful commitments on the topic could focus specifically on participation in the budgeting process, moving beyond transparency and awareness.

Actual Impact

It is important to reiterate that due to the lack of a monitoring and evaluation system at the local level, the actual impact of the commitment as a whole cannot be assessed adequately. During interviews with the IRM, MPALG and civil society representatives agreed that this presents a significant obstacle in assuring the commitment's long-term success in achieving its goal.

Moving forward

The IRM researchers recommend the following next steps:

- Include program budgeting[15] at the central and local level. This was a recommendation from the working group on fiscal transparency at the IRM stakeholder meeting. According to law and as part of ongoing commitments in the EU negotiations, the Ministry of Finance is supposed to introduce a program budgeting method by 2015.[16]
- Publish all information in a usable format, bearing in mind that information technology can serve as a strong tool for strengthening transparency.
- Include SCTM in monitoring local-level implementation. The experience of the IRM researcher is positive in cooperating with this association.
- Include LSUs in drafting the OGP action plan and consulting on working versions to remedy the limited awareness across LSUs of the OGP initiative in general and in particular of OGP milestones.
- Continue focusing on participation in budget processes, given that that was the lowest score on the OBI for 2015. In the future, some specific commitments should move beyond transparency in budgets to increased participation. This would raise the ambition of the OGP action plan.

[1] Budget Inspectorate at the Ministry of Finance, "Annual Budget Inspection Report for 2014," Official Gazette of the Republic of Serbia, No. 54/2009, 73/2010, 101/2010, 101/2011, 93/2012, 62/2013.62/2013-ispr., 108/2013 and 142/2014), 2014, http://bit.ly/1l2s0l4

[2] "Citizens' Guide to the Budget of the Republic of Serbia," Ministry of Finance, http://bit.ly/1kC9ksL

[3] "Bankruptcy Procedure," Official Gazette of the Republic of Serbia no. 104/2014.

[4] State authority budgets are documents containing all revenues and expenditures, which are set by the established classification according to budget lines. Budget execution is recorded as the sum of executed revenues and expenditures of the given state authorities. They can be monthly, quarterly, or biannually.

[5] Belgrade Open School (BOS), Centre for Research of Information Technologies, "Local Transparency Booster: Raising Accountability and Preventing Corruption in Local Governments," [report funded by Delegation of the EU in Serbia and the Office for Cooperation with Civil Society] (forthcoming).

[6] Ministry of Justice and Local Self-Government, "Law on Local Self-Government," Official Gazette of the Republic of Serbia, No. 129/2007 and 83/2014; "Law on Budgetary System," Official Gazette of the Republic of Serbia, no. 54/2009, 73/2010,101/2010, 101/2011, 93/2012, 62/2013, 63/2013 – corr., 108/2013 and 142/2014.

[7] According to the Regulation on Establishing a Unified List of Regional Development and Local Government Units for 2014, there are four groups of local self-government units, separated by their level of economic development. A random sample was taken out of every group to constitute one third of local self-government units.

[8] "City Department of Finance," City of Cacak, http://www.cacak.org.rs/52-1-l

[9] "Budget," City of Cacak, http://bit.ly/1TxAkoK

[10] "Draft Report on the Implementation of the OGP Action Plan," September 2015, http://bit.ly/1MO81N9

[11] "Law on the Budget System," Official Gazette of the Republic of Serbia, no. 54/2009, 73/2010, 101/2010, 101/2011, 93/2012, 62/2013, 63/2013 - corr., 108/2013, 142/2014 and 68/2015.

[12] Ministry of Finance and Economy, "Bulletin Public Finances," Republic of Serbia, July 2015, http://bit.ly/1RiBFQV

[13] The survey of 102 countries is 125 questions related to issues such as the pre-budget statement, the executive's budget proposal, the enacted budget, the citizen budget, in-year and end-of-year reports, midyear reviews, and audit reports. Serbia in 2015 scored slightly better than the global average score. For further information, see "The Open Budget Index: 2015 Survey Serbia," International Budget Partnership, http://bit.ly/1kCgDzK

[14] "Serbia," International Budget Partnership, http://bit.ly/1O3iWnT

[15] Program budgeting shows the goals, expected results, activities, and resources necessary to achieve these. It means planning and allocating budgetary resources, showing a clear link between the government's policies. They present a clearer and user-friendlier way to approach this topic with citizens, thus adding to transparency of budgetary allocations and facilitating citizen participation.

[16] According to Article 112 of the Organic Budget Law, program budgeting should have been introduced across the Serbian Government by 2015, under the leadership of the Ministry of Finance, who is in charge of developing the methodology. Ministry of Finance, "Organic Budget Law," Official Gazette of the Republic of Serbia, No. 54/2009, 73/2010, 101/2010, 101/2011, 93/2012, 62/2013, and 63/2013 – correction.

2: Law on Financing Political Activities

Action plan commitment text:

1. *Amending the Law on Financing Political Activities in order to clearly define and delineate the responsibilities of Anti-corruption Agency, State Audit Institution, and other bodies involved in the control of political activities, and to precisely determine the mechanisms for transparency in financing the political subjects.*
   a. *Submitting the Draft Law to the Government for consideration and formulation of the Bill*

Lead Agency: Ministry in charge of finance

Partner: Ministry in charge of justice; Anti-Corruption Agency; State Audit Institution; Civil Society Organizations

Start Date: Not specified   End Date: Quarter I 2015

Commitment overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✔		✔		✔				✔					✔

Editorial Note: Under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented. The IRM updated the star criteria in early 2015.

What happened?

This commitment's central action was to submit a draft law that would close loopholes and otherwise improve the functioning of political activity and financing oversight institutions. It had no starting date in the OGP action plan, but Quarter I in 2015 was the end date. The commitment was completed fully and on time. The Minister of Finance established the legal drafting working group via a decision on 24 October 2013. The public discussion agenda was adopted on 30 July 2014, and the public discussion via email contributions was open from 4 to 25 August 2014. The Ministry's website published the working text of the draft law, with an Annotation.

Among the members of the working group that produced the draft subject to the public discussion and evaluation by the Council of Europe Venice Commission[1] were two representatives of the Anti-Corruption Agency, and one from the State Audit Institution. Other members included a representative of the MJPA and one from the Ministry of Finance. The president of the working group was the secretary of the Ministry of Finance.

However, in October 2014, the Serbian Progressive Party's (SPP) parliamentary group submitted amendments to the Assembly through an urgency procedure, and the amended law was adopted in a Parliamentary session on 8 November 2014.[2] This practice occurs when the government realizes that it has omitted certain provisions and wishes to amend the draft. But it also can be a way to evade public discussions on the

revised text of a law, as the discussion is conducted prior to the submission of the draft to the government.

The changes raised media attention. The opposition did not agree that cutting budgetary allocations for the financing of political activities to 30 percent less than previously envisioned would bring positive changes in the landscape. Additionally, the law introduced the right of political parties to purchase property with public funds, although solely for purposes of political activities.

Although some of the activities to complete this commitment occurred before the adoption of the action plan, the commitment existed in earlier drafts. As a result, it can be concluded that its inclusion in the action plan clearly was not added to boost retroactive completion.

Did it matter?

Potential Impact

According to Transparency Serbia, since 2011, Serbia has had a solid legal framework regulating the financing of pre-election campaigns.[3] The law mandates reporting all pre-campaign expenditures and separate accounts for funds. The Anti-Corruption Agency of Serbia controls the expense reports, and in cases of abuse, can invoke sanctions. The 2012 elections point to the fact that the practice of financing political activities and subjects has improved. However, other issues arose, from disobeying formal reporting requirements to not giving all information on suspicious funding to taking advantage of unclear provisions on credit.[4] The research found the reliability of parties' self-reporting to be the weakest point, followed by the implementation of sanctions, since no party had to that date been sanctioned for violating the Law.[5]

According to the report on financing political activities in the electoral campaigns in the first half of 2014, the Anti-Corruption Agency of Serbia concluded that, for the most part, parties continue to rely on public funds for their campaigns. On average, 48 percent of party costs are public funds, followed by credits and loans. In 2014, natural persons (individuals) increased their contributions to nearly 15 percent.[6] According to an advisor from the Anti-Corruption Agency, as of August 2015, the Agency submitted more than 500 requests to initiate misdemeanor proceedings and had 200 convictions.[7]

Therefore, the financing of political parties is one of the key areas in fighting corruption and is a relevant open government policy goal. Moreover, the goal is a priority for integrating Serbia into Europe. The OGP action plan recognizes that the Ministry of Finance was already in the process of preparing the Draft Law on Amendments to the Law on Financing Political Activities.

Participants at the IRM consultative meeting noted that the milestone is elusive and open to interpretation. For instance, the parliamentary group proposed amendments to the legislative proposal about the use of public funds for purchasing property,[8] but the Anti-Corruption Agency deemed the proposals unacceptable. Transparency Serbia called for limitations of the provision.

Given the above context, the IRM researcher evaluated this commitment's potential impact as moderate. Further, many of the activities towards the completion of the milestone were set in motion prior to the action plan. The Anticorruption Strategy of 2013-2018 called for the law to be amended, and other activities aimed to reduce the number of infractions by 30 percent by 2017.

Actual Impact

Civil society and the Anti-Corruption Agency advocated for a number of amendments.

According to the Director of the Anti-Corruption Agency, this independent body opposed the proposal introduced by the Draft Law on Amendments to the Law on Financing Political Activities to allow public funds to be used to cover expenses of the election campaigns.[9] Transparency Serbia agreed and stated that because budgetary resources already are allocated to financing campaigns through other channels, this provision would duplicate budgetary allocations for the same purpose, which is contrary to the principles of the budget system.[10] Other stakeholders reported similar concerns, and at the IRM stakeholder consultation, some attendees believed that the new provisions worsened the status quo.

Instead, the Anti-Corruption Agency supported a provision to decrease the public funds that could be used for electoral campaigns. However, attendees at the IRM stakeholder consultation disagreed. Members of the working group on fiscal transparency stated that a reduction in budget expenses is not necessarily an improvement in clean political activities because public funding of campaigns aims to prevent corrupt behavior and financing.

Prior to the adoption of the law, Transparency Serbia sent amendment proposals to all parliamentary groups. Moreover, Transparency Serbia noted that if the ban on buying property were lifted, additional limitations would have to be included to specify the use of the given property.

In the IRM researcher's online questionnaire, CSOs' most common response was that they believe this commitment has limited impact. The second highest response was that it is transformative. Due to a low response rate, these findings are not statistically relevant. Sixteen of 20 respondents stated that they did not participate in implementing this commitment.

Moving forward

Stakeholder suggestions

Participants of the IRM consultative meeting noted that because anticorruption measures fall within the EU accession process, the timeline and specificity of Chapter 23 of the *acquis* should be consolidated. The government's draft self-assessment report recognizes this and stipulates that a 2016 Quarter III deadline for the adoption of the draft law and submission to Parliament.

The adoption of a new or amended law was identified as a priority in the reform processes of European integration. However, this particular commitment was not discussed much during the IRM consultative meeting, which may imply low prioritization compared to other fiscal transparency commitments.

Researcher View

This activity shows some of the structural limitations of the policymaking system in Serbia. A draft law developed in an inclusive, participatory working group was significantly altered, despite civil society concerns, prior to submission to the government and also following the government's adoption.

Possible next steps are to carry out an impact assessment of the law's immediate and short-term effects. Above all, light needs to be shed on the development and adoption of the law. The IRM researcher did not succeed in conducting an interview with the Ministry of Finance civil servant responsible for the commitment.

Finally, as the adoption of legislation does not guarantee adequate implementation, the coordination of relevant bodies such as the Anti-Corruption Agency, State Audit Institution, public prosecutors, and misdemeanor courts should be facilitated. CSOs can

support the work of the independent institutions and the judiciary bodies in monitoring political activities.

[1] The Venice Commission of the Council of Europe provides legal advice to its member states about democracy, human rights, and the rule of law.

[2] "Public Invitation for Participation in Public Debate," Ministry of Finance, http://bit.ly/1j5eL1P

[3] "Transparentnost Finansiranja Izbording Kampanja," Transparentnost Srbija, Belgrade, 2013, http://bit.ly/1mxsPmM

"Transparentnost Finansiranja Izbording Kampanja," Transparentnost Srbija, Belgrade, 2013, p. 6, http://bit.ly/1mxsPmM

[5] "Regional Research on Election Campaign Finance," Transparency International, 2014, http://bit.ly/1MzhMje

[6] Report on financing political activities in election campaigns during the first half of 2014, Anti-Corruption Agency of Serbia, Belgrade, October 2014, article summary available here: http://bit.ly/1K76IsO

[7] "Knežević: Agencija Spremna za Praćenje Eventualnih Izbora," Tanjug, 19 August, 2015, http://bit.ly/1OCnnFK

[8] "Seventh Session of the Second Regular Session (2014)," Open Parliament, http://www.otvoreniparlament.rs/2014/11/08/593764/

[9] B. Bakovic, "Tatjana Babić: Zakon SNS a Otežava Kontrolu Finansiranja Stranaka," Politika, 7 November 2014, http://bit.ly/1MzhZTM

[10] Cetvrtak, "Amandmani TS o Finansiranju Partija," RTS, 6 November 2014, http://bit.ly/1lsHteQ

3: Transparent public procurement procedures

Action plan commitment text:

1. *Improving the Public Procurement Portal by introducing new features: ability to publish purchasers' procurement plans, publishing procurements carried out according to international procedures, the English version of the ePortal, improvement of searching Decisions made by Republic Commission for the Protection of Rights in Public Procurement Procedures, set up of the registry of public contracts, establishment of the reporting system to Public Procurement Office*
   a. *Improved Public Procurement Portal by establishing all mentioned functions*
   b. *Improving call center to provide technical assistance to users of the Public Procurement Portal*
   c. *Training for e-portal users (2 trainigs per year)*
2. *Improving the system for electronic public procurement*
   a. *Analysis of the existing legal and institutional frameworks for the implementation of e-procurement in the RS (e-tenders, e-auctions, e-dynamical system of procurement, e-catalogs ...)*
   b. *Analysis of technical solutions and options that are in use or under development in the EU Member States in the field of e-procurement (e-tender, e-auctions, e-dynamical system of procurement, e-catalogs ...)*

Lead Agency:　Public Procurement Office

Partner:　Human Resource Management Office; Civil Society Organizations; Ministry of Trade, Tourism, and Telecommunications; and Administration for Joint Services of the Republic Bodies (for Activity 2)

Start Date:　Not specified　　　　　　End Date: Ongoing

Commitment overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
OVERALL			✔		✔	✔					✔				✔	
1. Improving the public procurement portal			✔		✔	✔					✔				✔	
2. Improving the system for electronic public procurement			✔		✔					✔					✔	

Editorial Note: Under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented. The IRM updated the star criteria in early 2015.

What happened?

Both milestones were substantially completed with moderate potential impact.

The IRM researcher tested the portal to evaluate the first milestone. The first pop-up informed that the portal changed in accordance with the Law on Amendments and the Law on Public Procurements,[1] which is effective from 12 August 2015. However, the changes are procedural, rather than related to user-friendliness or visual aspects of the website.[2]

The IRM researcher considers this milestone to have been substantially implemented, and the IRM end of term report will discuss on whether the law completed this part of the commitment. According to Danijela Bokan, Assistant Director at the Public Procurement Office, improvements to the portal will be made in accordance with the new Public Procurement Law that was adopted on 31 July 2015. The improvements are expected to follow the action plan deadline (end of September or beginning of October 2015).[3]

The electronic public procurement system incorporates two activities: (1) analysis of the legal and institutional framework in Serbia and (2) the analysis of comparative practices and solutions across the EU member states. These are conducted through the support–and according to the timelines–of UNDP and OSCE. At the time of research, the activities had been launched, and the level of completion was assessed as substantial. While the government's draft self-assessment notes that the second milestone was completed in August 2015, the IRM researcher did not find the two analyses online.

However, the subactivities included in the commitment are not sufficiently clear to be able to trace or monitor their implementation with certainty. The call center for providing expert advice to the users of the portal existed prior to the commitment. Without additional detail, it is unclear how improvements differ from the basic day-to-day activity of the Public Procurement Office.

Regarding the subactivity on trainings, users are contracting authorities and tenderers; therefore, the definition incorporates actors beyond the public administration. However, what constitutes training remains vague. Analysis shows that the Public Procurement Office conducted two workshops (December 2014 and April 2015)[4] and two trainings for small and medium-sized enterprises, as well as five trainings for contracting authorities (November 2014, March 2015, and September 2015) and two trainings for tenderers (December 2014 and September 2015).

Did it matter?

Relevance to OGP values

Not every commitment related to technology and innovation is necessarily relevant to open government, as it may not have a public-facing element. This commitment is relevant to access to information and civic participation, but not public accountability. The portal is publicly available and publishes government-held information that CSOs could use for monitoring purposes. However, it does not create or improve clear channels for civil society to hold government accountable. Rather, it provides the foundations for the introduction of e-procurement in Serbia, which makes the procurement system more transparent, less bureaucratic, and less discriminative by bringing processes online. Some elements of encouraging participation are evident through the training sub-activities.

Potential Impact

According to the Commission of the European Union Serbia 2014 Progress Report, "Transparency of public procurement procedures has improved with the use of the

upgraded public procurement portal."[5] Public procurement is a very significant and relevant policy area in Serbia. Consider the following aspects:

- Public procurement is a key part of Serbia's accession negotiations with the EU, and Chapter 5 in the negotiating framework is dedicated to it. It also figures in part of Chapter 32 on financial control, and it could be relevant to the chapters on anticorruption and judiciary reform.[6] This means that the legal framework will have to align with the European standard as prescribed by the *acquis communautaire.* According to the 2014 Progress Report, there was good progress, but the capacity of the Public Procurement Office needed to be strengthened. Additionally, the strategic framework needed to be updated.[7]
- The Strategy of Development of Public Procurement for 2014-2018 places particular importance on the efficacy of the public procurement proceedings. It envisions increasing transparency through publishing procurement plans on the portal, as well as subsequent changes and reports on the execution of these plans. Implementation for the first action plan was until the end of 2015.

The OGP commitment should be seen as a complement to these two interrelated initiatives. The potential impact was evaluated as moderate because this is an important area in the fight against corruption, and the activities could significantly affect that fight, even if they started before the action plan.

Actual Implementation

Stakeholders' uptake of the changes has yet to be seen.

In interviews with the IRM researcher, civil society expressed a variety of opinions about the commitment. Vladimir Erceg from the Belgrade Centre for Security Policy believes that the Public Procurement Portal represents a tools that can add transparency and accountability to public procurement procedures, and that its improvement can significantly ease these tasks.[8] Gordana Djurdjevic, the President of the Public Advocacy Committee of the Association of Business Women in Serbia, stated that the portal is difficult to use, so she seeks other solutions even if they are not free.[9] Dragan Dobrašinović, the President of the Executive Committee of the Toplica Centre for Democracy and Human Rights, an organization that is part of the Coalition for Public Finance Oversight, noted that the public discussion was not organized prior to adopting the Law; thus, a number of changes may be abused and are contentious to civil society.[10] The CSO representatives who responded to the IRM researcher's online questionnaire, for the most part, perceived this commitment to have a limited or moderate impact. Only one respondent participated in the implementation of the activities.

Moving forward

Through interviews and the consultative meeting, the IRM researcher found the Public Procurement Portal to have an unsatisfactory software solution. If it is to function more effectively and add to transparency, it needs to be more intuitive so users can reach information more easily. This could be done in cooperation with civil society. Mr. Erceg from the Belgrade Centre for Security Policy suggested that the Public Procurement Office could create a platform where CSOs could send their ideas and suggestions.[11]

Additionally, the statistics should be in an open data format,[12] or at least machine-readable and easier to use for automated citizen oversight. Miodrag Milosavljevic from the Open Society Foundation noted that the portal does not contain all the necessary documentation for citizen oversight because contracts are not published.[13] Still, the decision of the award is published and it shows who won the tender. At the IRM researcher's consultation, the working group on fiscal transparency concluded that the

commitment on public procurement could be more ambitious if it included gender mainstreaming and green procurement.[14]

According to PrEUgovor, the Law on Public Procurement only amended preferential treatment of domestic products and providers, whereas the Parliament's committee working group (formed in 2015) was supposed to amend other sections of the law.[15] The limited capacities of the Public Procurement Office led to limited results of the application of this law. Therefore, the next OGP action plan process should consider this limitation. Also, in drafting the next OGP action plan, CSOs and the government could discuss a commitment on public procurement civil supervision, particularly with respect to the security sector.

[1] "Law on Public Procurement," Official Gazette of the Republic of Serbia, No. 68/15.

[2] Public Procurement Portal, http://portal.ujn.gov.rs/

[3] Danijela Bokan, Assistant Director of the Public Procurement Office, interview with the IRM researcher, Belgrade, 27 August 2015.

[4] The first workshop was held in cooperation with the OSCE in December 2014 in Novi Pazar. The second workshop was held jointly with the Serbian Chamber of Commerce in April 2015 in Belgrade.

[5] Commission of the European Union, "Commission Staff Working Document, Serbia 2014 Progress Report, SEC (2014) 302" (Brussels, 8 October 2014) 44.

[6] EU law was divided into negotiating chapters, which are included in the country screenings. Screenings consist of explanatory and bilateral meetings, during which the European Commission explains to the candidate country the acquis within the chapter, and the country describes its state of affairs. Following their finalization, the Commission issues a screening report either recommending open negotiations on a chapter or setting benchmarks that need to be fulfilled.

[7] Commission of the European Union, "Commission Staff Working Document, Serbia 2014 Progress Report, SEC (2014) 302" (Brussels, 8 October 2014).

[8] Vladimir Erceg, Researcher at the Belgrade Centre for Security Policy, interview with the IRM researcher, Belgrade, 25 August 2015.

[9] IRM consultative meeting, September 21, 2015.

[10] Irina Miosevic, "Veća Transparentnost i Efikasnost - Šta Donose Nedavno Usvojene Izmene Zakona o Javnim Nabavkama?," Ekapija, 18 August 2015, http://goo.gl/mmMBfM

[11] Vladimir Erceg, Researcher at the Belgrade Centre for Security Policy, interview with the IRM researcher, Belgrade, 25 August 2015.

[12] This was completed after preparing this report, in December 2015: http://portal.ujn.gov.rs/OpenData.aspx

[13] Miodrag Milosavljevic, Program Coordinator, Transparency, Accountability and Public Integrity at Open Society Foundation in Serbia, comment at the IRM researcher's consultative meeting, Belgrade, 21 September 2015.

[14] Gordana Djurdjevic, President of the Public Advocacy Committee of the Association of Business Women in Serbia, comment at the IRM researcher's consultative meeting, Belgrade, 21 September 2015.

[15] Sonja Stojanović Gajić and Bojan Elek (eds.), "Izveštaj o Napretku Srbije u pPoglavljima 23 i 24," PrEUgovor, Belgrade, May 2015.

4: Transparent financing of civil society organizations

Action plan commitment text:

1. *Preparation of annual summary reports on the expenditure of funds to support programs and projects activities, provided and granted to associations and other civil society organizations from the public funds of the Republic of Serbia in 2013, and 2014.*
   a. *Annual summary reports on expenditure of funds for 2013 and 2014 prepared, submitted to Government, adopted, published, and presented to public;*
2. *Introducing obligation to publishing public tenders, evaluation and ranking lists of programs, decisions on selection of programs, etc, on the e-Government Portal, as well as extension of the deadline for publication of ranking and evaluation lists to at least 5 days, in the process of allocation of budgetary resources for financing programs of public interest realized by associations.*
   a. *Preparation and adoption of the Draft Regulation on Amendmends to the Regulation;*
3. *Strengthening the capacities of state administration authorities in the areas of cooperation and transparent funding of civil society from budget funds*
   a. *Organizing training for civil servants on the implementation of the Guidelines for the inclusion of civil society organizations*
   b. *Development of the Second Revised Edition of the Guide through a transparent funding of CSOs from the budgets of local self-governments.*

[Editorial Note: For space considerations, the IRM researcher summarized the sub-activities under each milestone from the original action plan text.]

Lead Agency: Office for Cooperation with Civil Society; Ministry in charge of public administration

Partner: Civil Society Organizations

Start Date: Quarter 1 2015   End Date: Quarter IV 2015

Commitment overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
OVERALL				✔	✔		✔				✔			✔		
1. Annual summary reports on expenditure				✔	✔		✔				✔			✔		
2. Obligatory publishing on e-government portal				✔	✔		✔			✔			✔			

3. Capacity building for civil society cooperation			✔	✔	✔				✔				✔	

What happened?

None of the milestones were fully completed, and the commitment had limited implementation during this first year.

The first milestone is an activity envisioned in the working plan of the Office for CSOs and is part of its day-to-day working activities. However, due to the lack of capacities within the Office for CSOs, and the fact that the government dismissed the Director of the Office on 5 March 2015, the activities lagged behind the envisioned timeline.[1]

It is confusing to bulk together the drafting and adoption of reports for two consecutive years as subactivities, which is one of the reasons why this milestone has a limited level of completion as of the first year of implementation. The first report for 2013 was completed and sent to the government for adoption in the Quarter II, but the report for 2014 only was started at the end of the Quarter II. There is no public evidence of the reports.[2] An additional difficulty is that the starting points for the milestone's two activity were not disclosed.

The second milestone remains unclear, but indications suggest that implementation did not begin in the first year. Whereas the government's draft self-assessment report notes that the milestone was substantially completed following the initiative of the Office for CSOs in August 2015, at the time of this research, there were no indications that the regulation text was being prepared. It was later adopted on 12 November 2015.[3]

The training activities of the third milestone were completed. From the end of January through April 2015, 10 two-day trainings were conducted across 110 LSUs, gathering more than 200 people. The Office for CSOs organized the trainings as part of the project Enabling Environment for the Development of Civil Society, which USAID supported financially and Technical Assistance for Civil Society Organizations (TACSO) and SIPU International implemented.[4]

The Guide for Transparent Financing has only been internally prepared for drafting. The main delay was the lack of financial resources. Significant materials on the needs and knowledge of LSUs were accumulated during the implementation of the training activities. The Office for CSOs and TASCO developed the first guide in 2013. It includes an overview of the importance of including CSOs in the decision making process, the relevant legal framework for transparent financing, step-by-step instructions, and good practice examples.[5] In 2013, the Office for CSOs published a 2012 annual summary report. The report contributed to the planning and allocation of resources, monitoring of implementation, and strengthening of the reporting system's transparency.[6]

Did it matter?

Potential Impact

These commitments place importance on the necessity to assure regular reporting on funds allocated to CSOs by state authorities, autonomous province authorities, and LSUs. This significant policy issue in Serbia was the subject of a number of different research projects.

The IRM researcher considered the commitment to have a moderate potential impact. Although the milestones are pre-existing, if implemented, the commitment would push government practice beyond business-as-usual and would be a major step forward in

this policy area. The following regulatory considerations and actual implementation of the ongoing activities clarify the reasoning behind this potential impact.

Regulatory Context

State support to CSOs is regulated through the Law on Associations, the Law on Endowments and Foundations, and the Regulation on Resources for Supporting Programs or Providing Co-financing for Programs of Public Interest that Are Implemented by Associations. While the State Audit Institution, an independent entity, monitors budgetary allocations to CSOs, there is no specific state entity with the mandate to distribute public funds.

According to the legal framework, government support should be distributed in a transparent, accountable, fair, and nondiscriminatory manner. However, practice suggests case-by-case treatment due to weak implementation, particularly on the local levels.[7] The Centre for European Integration studied the legislative framework vis-à-vis funding associations from LSUs' budgets, showing little adherence to legislative rules.[8] According to this source, the legal framework is particularly deficient in tax breaks for donors financing projects of public interest and program budgeting. Instead, the framework includes line budgeting,[9] which complicates long-term and strategic financial planning. In turn, this negatively impacts the functioning of associations.

Moreover, the Law on Financing the Local Self-Government depends upon the Law on Budget, adopted annually. Thus, the LSUs do not have steady funding. Consequently, they cannot develop strategies to finance associations.[10] Associations with quality engagement in developing local budgets and established procedures or clear criteria for the allocation of resources to associations are nonexistent or weak.

An additional problem is the lack of monitoring and evaluation of implementation progress of funded projects.[11] However, the regulation envisions that the association facilitates control of the program. The association also provides relevant documentation to the authority. In the case of misused funds, the authority is obliged to terminate the contract and demand the return of funds. In sum, the implementation of projects is not directly supervised, and "absorption" is estimated through financial and narrative reports.[12] Absorption capacity is the extent to which an association is able to spend fully its allocation of public financial resources in an effective and efficient way.

Actual Implementation

Daily newspaper Blic and N1 news channel concluded after an investigation that 61 out of 122 grants the Ministry of Labor, Employment, Veteran and Social Affairs approved were allocated to CSOs registered the same year they received their grants, thus breaching the criteria of the call.[13] Additionally, the investigation also discovered that a substantial number of the CSOs who received funding were established by affiliates of the ruling political parties and their relatives.[14] The financial viability of the civil sector was noted to have deteriorated during the year as international donors reduced or terminated their support, although the May floods did mobilize aid to the affected areas.[15] The CEI study corroborates the conclusion that financial viability is one of the weakest aspects of sustainability of associations in Serbia.[16]

At the IRM consultative meeting, Anja Vasiljevic, a representative of the Centre for Development of Non-Profit Sector (CRNPS), corroborated that transparency in CSO funding processes is problematic. She emphasized the lack of awareness of the meaning of budget line 481 on "donations to nongovernmental organizations," particularly at the local level, where funds are redirected to physical individuals.[17] According to her, it is difficult to track funds awarded to local associations, and there is a visible gap when the submitted data is compared with the Treasury of the Ministry of Finance's information.

Finally, in terms of the specific milestones of the commitment:

- The first milestone is an ongoing commitment because the annual summary report should be developed continuously.
- Interviewees did not mention the second milestone.
- With respect to the third milestone, more than 66 percent of participants rated the seminars with the highest mark, agreeing that the Office of CSOs fulfilled its goals. It also shows that the content corresponded to their needs and expectations, and it shows that the methods of work were appropriate.[18]
- The second subactivity of the last milestone was examined through the IRM online questionnaire. Thirteen of 24 LSU respondents and the majority of CSO respondents believe this commitment has moderate impact.

Moving forward

To ensure that state support to associations is distributed in a transparent and accountable manner, there should be a move towards greater participation. For instance, citizens' initiatives previously argued that beneficiaries should be included in the process of programing tenders for funding. The legislative basis needs to develop and define participatory procedures for developing, implementing, and monitoring and evaluating public funding. As noted in the IRM consultative meeting, budget line 481 needs to be diversified.

Additionally, nonfinancial state support such as state property, trainings, and consultations also could be included in the next OGP action plan. Currently, the commitment is substantial, but has insufficiently clear procedures for allocation. In addition to clarifying the criteria for allocation, the decisions need to be made publicly available, and implementation should be monitored.

Finally, given the low general public and public administration awareness of the portal across, substantial effort will be necessary to move beyond regulatory solutions and to address implementation and uptake.

[1] Government of the Republic of Serbia, "Decision on the Dismissal of the Director of the Office for Cooperation with Civil Society, No. 119 2241/2015," News, 5 March 2015, http://bit.ly/1PxUtMB

[2] Milena Banovic, Head of Department for Planning and Creating an Enabling Environment for Civil Society at the Office for Cooperation with Civil Society, interview with the IRM researcher, Belgrade, 14 August 2015.

[3] 05 number 110-12016/2015 in Belgrade, 12 November 2015, 14, http://goo.gl/s8YuLJ

[4] "Unapređenje saradnje lokalnih samouprava sa organizacijama civilnog društva i transparentno budžetsko finansiranje njihovih aktivnosti: Zbirni izveštaj o održanim seminarima," Office for Cooperation with Civil Society.

[5] "Transparentno Finansiranje," Office for Cooperation with Civil Society, http://bit.ly/1Qsmci8

[6] "Summary Report on Enabling Environment for Transparent Funding," Office for Cooperation with Civil Society, http://goo.gl/zTDpKK

[7] "Civil Society and Civil Society Development in Serbia 2014: Country Profile," Area 2: Framework for CSO Financial Viability and Sustainability, Monitoring Matrix, http://bit.ly/1X4Ccpv

[8] Ivana Radić Milosavljević, "Delotvorni Uticaj Projekata Udruženja Finansiranih iz Budžeta Jedinica Lokalne Samouprave" (Report, ReForce, 2014), http://bit.ly/1ARzHwg

[9] Line budgeting is developed through economic classifications. Consequently, budgetary allocations are made without previously defined goals or expected results. This limits the potential of analyzing the value-for-money and impact of allocations.

[10] Radić Milosavljević, "Delotvorni Uticaj Projekata Udruženja Finansiranih iz Budžeta Jedinica Lokalne Samouprave", 81.

[11] Radić Milosavljević, "Delotvorni Uticaj Projekata Udruženja Finansiranih iz Budžeta Jedinica Lokalne Samouprave", 83.

[12] "Standard Comparison by Report Year: Serbia 2013, 2014," Monitoring Matrix, http://goo.gl/t2hV43

[13] United States Agency for International Development Bureau for Europe and Eurasia Technical Support Office (TSO), Democracy and Governance (DG) Division, "The 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia," 2014, http://1.usa.gov/1RiMbYs

[14] TSO, "2014 CSO Sustainability Index", 196.

[15] TSO, "2014 CSO Sustainability Index", 196.

[16] Radić Milosavljević, "Delotvorni Uticaj Projekata Udruženja Finansiranih iz Budžeta Jedinica Lokalne Samouprave".

[17] Anja Vasiljevic, a representative of the Centre for Development of Non-Profit Sector (CRNPS), comment at the IRM researcher's consultative meeting, Belgrade, 21 September 2015.

[18] Office for Civil Society Cooperation, "Enhancing Cooperation between Local Self-government Units and CSOs and Transparent CSO Financing: Summary Report of Seminars," 10.

5: Extending and clarifying responsibilities of the Anti-Corruption Agency

Action plan commitment text:

1. *Imrove the provisions of the Law on the Anti-Corruption Agency so as to clearly distinguish and regulate concepts of cumulation of functions (to prevent performing multiple public functions which are interconnected in a conflict of interest) and conflicts of interest (to eliminate private interest in exercising public powers), and to expand the circle of related persons for whom a public official is required to submit a declaration on assets and income, as well as to authorize the Agency by law, to carry out extraordinary control of assets, and to act upon anonymous notifications.*
   a. *Establishment of the Special Working Group;*
   b. *Preparation of Draft Law on Amendments to the Law on the Anti-Corruption Agency;*
   c. *Determination and publishing of Public Hearing Programme;*
   d. *Conducting public debate;*
   e. *Submitting Draft Law to the Government for consideration and determination of the Bill*

Lead Agency: Ministry of Justice

Partner: Anti-Corruption Agency; Civil society organizations

Start Date: Quarter I 2015 End Date: Quarter IV 2015

Commitment overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✔		✔		✔				✔			✔		

What happened?

This commitment of moderate potential impact achieved a limited level of completion.

In Serbia, the fight against corruption is regulated through a number of documents. Institutionally, it depends upon the coordination and cooperation of a number of state bodies and authorities. The umbrella policy document is the Anti-corruption Strategy for 2013-2018.[1] Amending this law is part of the political activities part of that Strategy. It aims to prevent multiplication of functions and conflict of interest cases by increasing the number of administrative controls.

Additionally, Judiciary Reform Strategy for 2013-2018 is relevant to this commitment because its second principle–impartiality and quality of justice under the strategic goal of respecting professional ethics and integrity standards–includes monitoring implementation of judiciary integrity plans. Moreover, under this particular guideline, the action plan for the Judiciary Reform Strategy commits to amend the Law on the Anti-Corruption Agency. It also establishes a working group, draft law, public discussion and the submission of the draft law to government, all of which should have been completed in Quarter I of 2014.

The Anti-Corruption Agency of Serbia was established and is regulated through the Law on the Anti-Corruption Agency (ACAS).[2] The Agency is mandated to work towards controlling public resource allocation, uncovering irregularities, educating the public sector as well as the general public, and providing mechanisms to establish and strengthen integrity in the institutional and regulatory framework.

On the basis of the aforementioned Anti-corruption Strategy for 2013-2018 and its corresponding action plan, ACAS developed what it called a model for the new law that would govern its mandate and activities. This model was submitted to the Ministry of Justice as an initiative, as well as to each member of Parliament and the Government in July 2014, according to comments from the ACAS on a draft version to this report.

The Minister of Justice signed the decision to form a working group mandated to draft the law in January 2015.[3] Media and CSOs covered and analyzed the issue.[4] The membership of the group includes:

- Six representatives of the Anti-Corruption Agency;
- Two members of the Committee of Anti-Corruption Agency;
- Three representatives of the Ministry of Justice;
- Representatives of the Anti-Corruption Council, the Public Prosecution Office, the Misdemeanors Court, and the Belgrade University Faculty of Law;
- Civil society representatives from the Transparency Serbia and the Council for Monitoring, Human Rights, and the Fight against Corruption.

While this group formed according to the stipulated deadline, the researcher found little evidence of the group's meetings. In an interview, ACAS Director Tatjana Babic stated that the group met "these days" in the second half of February.[5] In its comments to a draft of this report, ACAS specified the first meeting took place on 23 February 2015. The rest of the subactivities are due by the end of 2015, but it is rather uncertain that this deadline will be met. The full completion of this commitment is envisioned beyond the timeframe of this progress report, and will be covered by the end of term report.

Did it matter?

In Serbia, the Primer Minister's 'exposé' is considered as the government program during its mandate. In 2014, current Prime Minister Aleksandar Vučić used this document to put corruption high on the agenda of his government.[6] However, the European Commission's 2014 Progress Report stated, "Implementation of the strategy and action plan for 2013-2018 has yet to mirror the strong political impetus to fight corruption."[7] Coalition PrEUgovor corroborates this conclusion in its analysis from September 2014 to May 2015, which recognizes progress in the fight against corruption, but notes that progress was far from what was prescribed in the relevant government strategies and programs. It drew attention to the fact that the status of independent institutions was put into question.[8]

Under the description of the current state of affairs, the OGP action plan acknowledges significant results achieved by the Anti-Corruption Agency. However, the 2014 Progress Report remarks that the Agency lacks resources to assure follow-up of its proposals and recommendations.[9] This is particularly the case because relevant authorities do not report to the Agency, and the requests to investigate conflicts of interest have doubled.[10] The main reason for "moderate" potential impact is that the amendments would ensure that the changes mean the Anti-Corruption Agency can carry out extraordinary control of assets and act upon anonymous notifications, which previously it was not able to do.

PrEUgovor's analysis notes slow advancement in drafting a Law on the Anti-Corruption Agency. With no deliverables yet, this progress report cannot comment on the likelihood of achieving the full potential impact or the extent to which the proposed changes are

appropriate or exhaustive. However, interviewees provided the IRM research with some relevant observations.

For example, Jovan Nicic, from the Anti-Corruption Agency, noted that whereas the Agency has submitted its suggestions on commitments and milestones for the draft OGP AP, some of these suggestions were not incorporated in the adopted version.[11] The Director of Anti-Corruption Agency was named Chair of the working group; however, because the MJPA proposes laws, it has the last word on the draft. As the Director of Anti-Corruption Agency noted, the Agency can participate in drafting a law that subsequently could be altered, which means that the Agency stances may not be incorporated into the final draft adopted by the government.[12] CSOs are concerned that participation in a working group may be only pro forma, and later used to legitimize the adopted law before the public.

Mr. Nicic also mentioned that the established working group is quite numerous, which the IRM researcher interpreted as making a consensus more difficult. For example, 9 of 17 members of the working group did not appear to the June 2015 meeting, which did not meet the quorum.

Furthermore, Zoran Gavrilović, Director of the Program Society Against Corruption of the Bureau for Societal Research, stated in a media interview that some members of the working group obstructed the draft, and that in effect the government intended to take over the fight against corruption from the independent Anti-Corruption Agency. For example, government representatives in the Anti-Corruption Agency Committee increased, ministers joined the Anti-Corruption Council, and the Prime Minister chaired the Anti-Corruption Coordination body.[13]

Moving forward

Jovan Nicic stated the amendments to the law should not be limited to conflict of interest, as delineated in the OGP action plan, but rather should incorporate the model law that was forwarded to the Ministry. In the best-case scenario, the adopted draft will reflect the model and position of the Anti-Corruption Agency, but that is difficult to judge at this point. The IRM researcher was unable to interview representatives from the institutions responsible for implementing this commitment.

According to shadow reports by the Belgrade Centre for Security Policy, Transparency Serbia, and by the Belgrade Centre for Human Rights, the action plan for the implementation of the 2013 Anticorruption Strategy was not sufficient.[14] These reports cover the areas of judiciary, police, monitoring, political activities, public finances, media, privatization, public partnerships, urban planning, construction, health, education, sports, and prevention of corruption.

The CSOs at the IRM consultative meeting believed the OGP action plan should be aligned with the action plans for negotiating chapters 23 and 24. The Belgrade Centre for Security Policy believes public procurement in the security sector to be a priority, given that as much as 95 percent of the Security Informative Agency's procurements are conducted through a confidential procedure.[15]

Finally, other priorities in this sector include increasing transparency of the decision making processes and regulation of lobbying activities, which are interlinked processes. Moreover, GIZ Legal and Reform Program prioritized regulating lobbying, which helped place it higher on the political agenda. The Ministry of Trade, which formed an expert working group with the General Secretariat of the Government, the MJPA, the Anti-Corruption Agency, and the Lobbyists Association led the drafting process and Law Faculty. It recently finished the draft law and submitted it to the Council of Europe's Group of States against Corruption (GRECO) for a preliminary evaluation of its

alignment with Europe. Public consultation is the next step and could be considered for the next OGP action plan.

[1] "National Strategy: Anti-Corruption in the Republic of Serbia for the Period from 2013 to 2018," Official Gazette of the Republic of Serbia, No. 57/2013, http://bit.ly/1PM65u4

[2] Official Gazette of the Republic of Serbia, No. 97/2008, 53/2010, 66/2011 Decision of the Constitutional Court, 67/2013 Decision of the Constitutional Court, 112/2013 Authentic Interpretations, and 8/2015 Decision of the Constitutional Court.

[3] Official Gazette of the Republic of Serbia, No. 97/2008, 53/2010, 66/2011 Decision, 67/2013 Decision, 112/2013 Authentic Interpretation, and 8/2015 Decision, for further information please see: http://bit.ly/1OItVqF; on media coverage see for example: http://bit.ly/1SHSAxn

[4] "Pisanje Novog Zakona o Agenciji za Borbu Protiv Korupcije," Transparency International Serbia, http://bit.ly/20ZtDAW

[5] Babić: Novi zakon o Agenciji za borbu protiv korupcije u proceduri već na leto?, Tanjug, 27 February 2015, http://bit.ly/1mOKXZx

[6] Aleksandar Vucic, "Framework Exposé," Prime Minister of the Republic of Serbia, 27 April 2015, http://bit.ly/1H6q4Cr

[7] Commission of the European Union, "Commission Staff Working Document, Serbia 2014 Progress Report, SEC (2014) 302" (Brussels, 8 October 2014), 43.

[8] Sonja Stojanović Gajić and Bojan Elek (eds.), "Izveštaj o Napretku Srbije u pPoglavljima 23 i 24," PrEUgovor, Belgrade, May 2015, 13.

[9] Commission of the European Union, "Serbia 2014 Progress Report", 12.

[10] Commission of the European Union, "Serbia 2014 Progress Report", 43.

[11] Jovan Nicic, Employee of the Anticorruption Agency of Serbia, interview with the IRM researcher, Belgrade, 20 August 2015.

[12] B. Baković,"Babićeva: Nude Nam Prevaziđena Slovenačka Rešenja za Borbu Protiv Korupcije," Politika, 6 June 2015, http://bit.ly/1Odrg6s

[13] Z. Miladinović, "Ministarstvo Pravde Opstruiše Agenciju za Borbu Protiv Korupcije?," Danas, 6 July 2015, http://bit.ly/1QJJ9fP

[14] Stojanović Gajić and Elek (eds.), "Izveštaj o Napretku Srbije u pPoglavljima 23 i 24", 15.

[15] Danilo Pejovic, "Nabavke u Sektoru Bezbednosti," Beogradski Centar za Bezbednosnu Politiku, 2012, http://goo.gl/PWIZIN

6: Whistleblower protection trainings and campaigns

Action plan commitment text:

1. *Conducting professional training of civil servants in the state administration bodies, and employees at local self-government units, on procedures and importance of protection of whistleblowers, as prevention of corruption*
   a. *developing a professional training program for civil servants and local self-government units employees*
   b. *conducting the professional training of civil servants and local self-government units employees*
2. *Conducting campaign for raising awareness of citizens about rights and protection of whistleblowers;*
   a. *developing a program for the campaign*
   b. *adoption of the program for the campaign*
   c. *implementation of the campaign program*

Lead Agency: Ministry of Justice

Partner: Anti-Corruption Agency; Human Resource Management Office; Civil society organizations

Start Date: Quarter II 2015   End Date: Ongoing

Commitment overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
OVERALL			✔		✔		✔				✔				✔	
1. Civil servant trainings				✔	✔		✔			✔				✔		
2. Awareness-raising campaign			✔		✔		✔				✔				✔	

Editorial Note: Under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented. The IRM updated the star criteria in early 2015.

What happened?

The current government took office on 27 April 2014 and declared that the fight against corruption would a priority. For instance, Prime Minister Vučić was to head the coordination body for the implementation of the Anticorruption Strategy.[1] These commitments emerged in this context.

Both milestones under the commitment incorporate subactivities, which made them more specific. However, the subactivities are procedural steps. The first had limited level of completion and had a delayed start. The second milestone was substantially

completed in accordance with its deadline, given that the end date for its implementation is the end of 2015.

The first milestone on the trainings for civil servants and local self-government employees was not completed. The IRM researcher could not find reliable answers to questions about the number of trainings, location, length, or participants. The IRM researcher found information on a 25 August 2015 training organized by the Human Resource Management Office and taught by a representative of the Belgrade Misdemeanor Court.[2] But the target audience was civil servants, not LSUs, and though the trainings were supposed to begin in the second Quarter of 2015, this training took place well into the Quarter III. The action plan has no prescribed end date.

The second milestone was a campaign to raise awareness on the Law on the Protection of Whistleblowers.[3] The law was adopted on 26 November 2014 and entered into force on 4 December 2014. Enforcement was to be gradual so that the relevant institutions could take on the necessary role and adjust themselves incrementally. The law entered fully in effect as of 5 June 2015, the beginning of the campaign called "Whistleblowers are Stronger Now."

With the support of the USAID Judicial Reform and Government Accountability Project (JRGA), the MJPA led the media and awareness-raising campaign.[4] According to JRGA,[5] the campaign lasted for a month and resulted in a total of 120 news related reports and more than 300 promotional national-level television broadcasts on major media outlets such as RTS, B92 and RTV1. Under the project, a promotional microsite (www.uzbunjivaci.rs) was developed. Promotional advertisement was distributed on city buses in three regional centers of Serbia: Belgrade, Novi Sad, and Nis.

Given the end of 2015 deadline in the OGP action plan, it is unclear whether any other activities are planned.[6] The IRM researcher considers this to be a substantially implemented milestone due to the fact that the media campaign, but the website remains active. Unfortunately, the IRM researcher could not interview representatives of the organization Whistle or the Ministry of Justice.

Did it matter?

A considerable amount of background information is necessary to fully grasp the context of the commitment.

Legal Framework and Background

Overarching, systemic protection for whistleblowers had not existed for a long time, beyond certain disparate provisions in various legal texts. For instance, the OGP action plan notes that several laws and bylaws have whistleblower provisions, such as the Law on Civil Servants, Law on Free Access to Information of Public Importance and Law on Anti-Corruption Agency, and the Rulebook on protection of a person who reported suspicion of corruption. The Rulebook later was declared unconstitutional by the Constitutional Court because it was created without legislative basis.

In response to this missing legal coherence, in November 2012, the Commissioner for Information of Public Importance and Personal Data Protection published an analysis of the legal framework in Serbia.[7] It also published international and comparative solutions[8] and issued recommendations as part of a project supported by the Embassy of Great Britain. Additionally, the Commissioner organized a working group chaired by the Ombudsman with four members: a representative from the Anti-Corruption Council, the Chairman of the Board of the Anti-Corruption Agency, a judge from the Constitutional Court, and the Program Director of Transparency Serbia. The working group developed a model law that was subject to an online public discussion from 4 to19 April 2013.[9] Finally, the Commissioner organized other activities, including four

roundtables in the regional centers of Serbia and six seminars for associations and media across the country.[10]

However, the government did not take the working group's draft law into account. In December 2013 the MJPA published its own draft law on the Protection of Whistleblowers and called for comments until the end of January 2014.[11] The Ministry published an amended draft in June 2014 and aimed to submit it to the government for adoption by the end of September 2014. The application was delayed for half a year to conduct judicial trainings and capacity building activities, but also to give the state bodies and employers sufficient time to adapt.

Although the Council of Europe rated the law as satisfactory, the civil sector and several experts noted that it is not sufficiently precise, given the context of the Serbian judiciary.[12] For instance, as Irina Rizmal, Senior Project Coordinator at CEAS, noted, the representatives of the OSCE Mission to Serbia have expressed dissatisfaction with the adopted Law and contacted her organization for consultations. They also announced their plan tackle some of its shortcomings through amendments of the Penal Code. At the same time, other experts state that Serbia is one of only five countries in Europe to have such a law and that it is one of the best.[13]

In a January 2015 seminar, outside the period covered by this report, the Judiciary Academy was going to certify and train 600 judges from Belgrade, Niš, Novi Sad, and Kragujevac.[14] However, none of the other laws related to implementing whistleblower protections, such as the Law on Data Secrecy, was amended during the period.

Potential Impact

The IRM researcher considers milestone one to be of minor potential impact and milestone two to be of moderate potential impact on the policy area of whistleblower protection in Serbia. The first activity was a positive step, but limited in design and implementation, with just a single training with a few attendees so far. At the same time, according to the work of the organization Whistle, there is low understanding among the wider public of the changes introduced by the new law. Thus, it deemed the campaign an important step in clarifying the rights of whistleblowers to the citizens.[15]

In response to the civil society questionnaire, 18 of 20 respondents did not participate in the implementation of this commitment. Respondents evaluated the two milestones as having limited or moderate potential impact. According to the IRM researcher's questionnaires, around 54 percent of LSU respondents thought that the first milestone was of moderate potential impact, while almost 46 percent thought that had not started implementation yet.

At the IRM consultative meeting, the organizations that took part in the working group on the fight against corruption claimed that the commitments do not reflect the actual priorities in the area and that the OGP action plan deadlines are not in accordance with those of other strategic documents. Moreover, they noted that these activities were planned by other strategic documents, and they focus on process instead on effective whistleblower protection.

Some civil society representatives also noted that whistleblowing is treated in the legislative framework as it relates to anticorruption efforts, rather than as a standalone issue with a higher purpose. Similarly, the OGP action plan treats it as a legal, formal obligation, rather than as a substantive problem that needs to be solved.

These activities were notably small given the context, but would have an added value in assuring the adequate implementation of the law, if fully completed. Transparency Serbia emphasized problems in the drafting period such as the risk of trivializing whistleblowing (because it is not limited to major cases), the lack of rewarding

mechanisms, the lack of explicit rights to require fair compensation, and the absence of rules to be applied in specific cases.[16]

Moving forward

The IRM research process generated several ideas for a more completely implemented and potentially impactful commitment on whistleblower protection.

According to the representative of Transparency Serbia at the IRM consultative meeting, the accession process is of paramount importance. Further, it is necessary to make connections in action plans with negotiating chapters, especially chapter 23 and 24, which concern the fight against corruption and judiciary reform.

To be able to assess their level of completion, milestones prescribing trainings, seminars, and public awareness-raising campaigns needs to be more specific in terms of their program, number, target audience, participants, method of evaluation, etc.

Involving independent state institutions in developing and implementing commitments that concern their institutions' activities and falling under their institutions' purview can only have a positive impact on the level of completion. Additionally, these institutions have a reputation of fostering closer relations with the civil society, which can also benefit and lead to greater involvement of external actors. Finally, their vigilance is necessary to raise public awareness if the process becomes sidetracked.

Given the skepticism that certain whistleblowers expressed in the media, the implementation of the law should be monitored and results shared publicly. For example, Goran Milosevic, a former public enterprise employee, stated that no one is willing to report corruption because they become targets of the system.[17]

[1] Telegraf/Tanjug, "Vučić na čelu Koordinacionog Tela za Borbu Protiv Korupcije," 7 August 2014, http://bit.ly/22FpxyS

[2] "Whistleblower Protection," Republic of Serbia Government Human Resource Management Service, http://bit.ly/1mYbFPH

[3] Republic of Serbia, "Law on Whistleblower Protections," Official Gazette, No. 128/2014, http://bit.ly/1PFzEhO

[4] Judicial Reform and Government Accountability Project, "JRGA and the Ministry of Justice Kick-off Promotional Campaign for the New Law on the Protection of Whistleblowers," News, USAID, 3 June 2015, http://bit.ly/1OsJ2EE

[5] Judicial Reform and Government Accountability Project, "Whistleblowers in the News: The MoJ's and JRGA's National Level Whistleblowing Campaign Draws to an End, News, USAID, 3 August 2015, http://bit.ly/1O3AlwI

[6] A USAID JRGA, and Ministry of Justice website has relevant legislation for employers and whistleblowers, advice for whistleblowers, information on court protection, and other institutions which may be important. Association of Citizens and States Against Corruption and Abuse, http://www.uzbunjivaci.rs/

[7] Bojana Medenica, "Zaštita Uzbunjivača u Republici Srbiji - Analiya Pravnog Okvira i Preporuke," (Publications, Commissioner for Information of Public Importance and Personal Data Protection, November 2012), http://bit.ly/1NYLUHS

[8] Pol Stevenson, "Zaštita Uzbunjivača - Komparativna Analiza," (Publications, Commissioner for Information of Public Importance and Personal Data Protection, November 2012), http://bit.ly/1OsKYNh

[9] "Public Hearing about the Law on Distress and Protection of Whistleblowers," Commissioner for Information of Public Importance and Personal Data Protection, http://bit.ly/1P9uJB4

[10] "Izvestaj Poverenika Za 2013. Godinu," Commissioner for Information of Public Importance and Personal Data Collection, http://bit.ly/1TxOfuQ

[11] "Working Versions of Regulations," Ministry of Justice, http://bit.ly/1HHYlbz

[12] CEAS, "Zaštita Uzbunjivača u Srbiji: Analiza," (Analysis, CEAS, June 2015), http://bit.ly/1PFaVIH

[13] Maja Nikolic, "Uzbunjivaci: Posle Ovog Zakona Niko Nece Prijaviti Korupciju," News, N1 Info, 3 June 2015, http://bit.ly/1OsLTxt

[14] Judicial Reform and Government Accountability Project, "Seminar – Implementation of the Law on the Protection of Whistleblowers," USAID, 13 January 2015, http://bit.ly/1StHnjV

[15] Jelena Stojanovic, "Zakon o Zaštiti Uzbunjivača Stupa na Snagu 5. Juna," Interview, N1 Info, 2 June 2015, http://bit.ly/1RiTH5x

[16] "Nepotpun pravni okvir za za zaštitu uzbunjivača," Transparency International Serbia, http://bit.ly/1YeQshD

[17] Nikolic, "Uzbunjivaci,".

7: Draft law regulating inspections in public administration

Action plan commitment text:

1. *Improvement of the legal framework regulating inspection oversight*
   a. *Submitting Draft Law to the Government for consideration and formulation of the Bill*

Lead Agency: Ministry in charge of public administration

Partner: State administration authorities performing inspection control; USAID

Start Date: Not specified   End Date: Quarter IV 2015

Commitment overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
		✔			Unclear						✔					✔

What happened?

This commitment to improve legislative framework regulating inspection oversight was completed. The government adopted the proposal in the Quarter I of 2015,[1] and the National Assembly adopted it on 15 April 2015. The law entered into force on 29 April 2015 and will be in effect within 12 months of that date.[2]

Did it matter?

Inspections are key mechanisms for implementing regulatory reform legislation. Moreover, inspections assure compliance with legal provisions and assure that public goods are adequately protected. For a long period of time, inspections have been marginalized in comprehensive reform efforts. Thirty-one types of inspections fall under the jurisdiction of 12 different ministries, but without a joint legal framework or strategic approach to reform all legislation. The USAID Business Enabling Project (BEP) completed a study in 2011, which pointed out the lack of a single horizontal law as a key obstacle in the area. At the time, over a thousand laws and by-laws were regulating inspection oversight.[3]

As there was no systemic legislation regulating inspection oversight, MPALG prepared the Draft Inspection Oversight Law. A general law to rationalize government inspections would have significant potential impact, although the majority of preparations occurred prior to the action plan. One limitation is the fact that the commitment was to submit a draft law for government consideration, not to achieve a fully approved or implemented law. This evaluation is in accordance with the general assessment of other commitments.

In 2011, the government established an Interministerial Working Group for the reform of the inspection oversight system, but the group had little success. In June 2013, the Ministry of Public Administration began drafting the law, with the support of the USAID BEP and the German International Development Agency (GIZ) through the USAID's Legal and Judicial Reform program. A special working group for legal drafting was

established on 3 June 2013 and brought together representatives of state bodies, USAID, and university experts.

The report on the preparation of the draft law is a good example of participatory policymaking. The baseline was published prior to the discussions on the first draft of the law to facilitate public engagement in the consultations from the onset. The working group gathered members from the public administration bodies and individuals who would be implementing the law. To some extent, this created a bulky structure that had difficulty functioning and contentious issues arose, but it also created a good balance between representatives. The public discussion was published online, and experts considered it a good practice example.[4]

According to Joe Lowther, USAID Business Enabling Project Chief of Party, the adopted law is fully in line with the EU *acquis*. He believed the law would create a business- and investment-friendly environment, ensure the protection of the public and businesses, and substantially reduce the administrative and financial burden of inspections.[5] The government's self-assessment report notes that the law is an important step in anticorruption efforts and that it is a basis for further strengthening transparency because it clarifies and prescribes standardized rules and procedures.

However, this commitment does not have clear relevance to OGP values, as written, because it appears to be internal to government without a public-facing element. Nevertheless, it is the foundation necessary for establishing the information system for inspections, E-Inspector. It is a technological innovation that will bring all the inspectorates under the same umbrella and will facilitate their communication. Experts also say that this project will allow citizens to follow the work of inspections online with ease.[6]

Moving forward

Although this law is an undeniably important tool in strengthening inspection oversight, its potential impact and clarity of relevance for the OGP values, could be greater if other activities such as the E-Inspector were included in the OGP action plan. An interviewee working under USAID BEP corroborated this by saying that the OGP action plan could have incorporated the issue in a more complete manner.[7] Similarly, the interviewee from the Directorate for E-government noted that significant attention in terms of developing technological options and software solutions are devoted to the E-Inspector.[8]

However, the general public's access to this platform, and the data the platform will hold–such as decisions, measures, and minutes of executed oversight–is complex and will call for additional legal, organizational, technical, staff, and other reforms. Given that administrative inspection procedures involve personal and business data, third-parties cannot access in full. Further in-depth analysis of the extent and content of data that will be made available publicly must be carried out to protect privacy. This can be taken into account when devising the next OGP action plan and discussed among civil society representatives.

Notably, the government's draft self-assessment report denotes the E-Inspector among the next steps for this commitment. It also call for a system of training, continuous knowledge, and skills-building as part of a USAID BEP project, which will be implemented with the Partners for Democratic Changes Serbia from November 2015 through 2018.

---

[1] Republic of Serbia, "Law of Inspection," Official Gazette of the Republic of Serbia, No. 36/2015, 2015, http://bit.ly/1WXdg8p

[2] Republic of Serbia, "Law of Inspection".

[3] "VI Evropski Pravni I Politicki Forum: Kako Inspekcije Mogu astiti Gradane Srbije I Ekonomiju," Program za Pravne I Pravosudne Reforme, http://bit.ly/1HTaJVS

[4] Nemanja Nenadić, "Izveštaj o Praćenju Izrade Nacrta Zakona o Inspekcijskom Nadzoru: Jun 2013-Oktobar 2014, u Saradnji GIZ Projekta za Pravnu i Pravosudnu Reformu i Organizacije Transparentnost-Srbija," 5, http://bit.ly/1mxGiuR

[5] "Moderning [sic] Inspection Oversight – Prevention before Repression: For immediate Release" (Press Release, USAID, 3 March 2015), http://1.usa.gov/1SVMPu4

[6] E.D., "Projekat eInspektor Protiv Sive Ekonomije," Ekonomija, Danas, 6 October 2015, http://bit.ly/1WXde0o

[7] Milan Stefanović, Business Regulation and Economic Governance Expert for the USAID Business Enabling Project, phone interview with the IRM researcher, Belgrade, 31 August 2015.

[8] Marija Kujacic, Chief of the Department for Implementation and Support at the Directorate for E-government, interview with the IRM researcher, Belgrade, 14 August 2015.

8: E-government portal awareness and mobile application

Action plan commitment text:

1. *Raising awareness and knowledge regarding   the operation and use of eGovernment portal:*
   a. *training for all categories of portal users (processors, persons which generate services, users from technical inspection, driving schools that use the system, appointed individuals from public authorities that sets public hearings, etc ...).*
   b. *General training of civil servants on e-government and e-Government portal.*
   c. *Implementation of promotional activities and campaigns regarding the eGovernment portal.*
2. *Improving eGovernment Portal to enable the use by mobile phones and other mobile devices:*
   a. *development of applications for mobile phones by which it will be possible to access and use the portal through a mobile phone*

Lead Agency: Ministry in charge of e-government

Partner: Human Resources Management Office; Civil society organizations

Start Date: Ongoing   End Date: Ongoing

Commitment overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
OVERALL			✔		✔	✔		✔			✔			✔		
1. Raising awareness			✔		✔	✔				✔					✔	
2. Improving mobile access				✔	✔	✔		✔			✔		✔			

What happened?

The IRM researcher assessed the overall completion of this commitment as limited for the first year of implementation. The overall specificity of the commitment is medium, and there is no fixed ending date for the implementation of subactivities encompassed by the milestones.

The first milestone regarding raising awareness through trainings and promotional activities does not specify what these would encompass in terms of program, or number of participants. Additionally, it falls under so-called running activities of the Directorate for E-government, and CSOs stated that it should not have been incorporated in the OGP AP.

According to the interview with the Chief of Department for Implementation and Support of the Directorate for E-government, trainings have been conducted in-house since 2010, when necessary, i.e., as new state bodies join the portal.[1] Such tasks fall under the so-called general programs of continuous training of civil servants conducted

by the government's Human Resource Management Service.[2] Therefore, these are planned only tentatively and are not fixed in number across a time period. It was noted that intensive cooperation was established with the city of Belgrade in the first half of 2015. While the commitment defines portal users very broadly to encompass citizens and market actors, in practice the trainings continue to be for civil servants and public employees.

The Directorate for E-government has one individual in charge of public relations activities in-house; therefore, the Directorate does not have sufficient capacity to develop promotional material. According to the Chief of the Department for Implementation and Support at the Directorate for E-government, financial resources were first allocated to promotional activities in the 2015 Government Annual Work Plan. Consequently, these activities were outsourced to a media company. The Directorate receives a monthly report, such as media clippings. Therefore, the CSOs noted the importance of introducing a promotional budget after five years of the Directorate's functioning.[3]

Finally, the development of a cellular application for the E-government Portal was not introduced in the Government Annual Work Plan due to lack of financial resources.[4] This illustrates that OGP planning was not connected well to the budgetary planning process.

Did it matter?

Budget limitations have been one of Serbia's issues in terms of public administration reform. Resource allocation occurs in a way that sidelines investment in ICT, development of a policy approach, and development of regulation that would advance e-government. ICT use stimulates development across other segments of public administration. It does this by cutting costs and making information available that is of public interest and by generating public participation in decision making. However, the potential of the e-government portal remains untapped.[5]

Previously, promotion of the portal was done *ad hoc* through roundtable discussions and training modules, which inhibited a more strategic approach. Additionally, given the existence of other portals such as the Business Registers Agency and the Public Procurement Office, a number of interlocutors noted that the e-government portal loses visibility and recognition. The wider public largely has not been informed of the portal, and even those who are aware of it, did not necessarily use it. For example, the percentage of those who have visited the portal at least once is quite low, according to Ninamedia Research's computer-aided telephone interview survey.[6] Still, NGOs noted that even though citizens may not be aware of it, a significant number actually uses the portal. For instance, 1 million vehicles had been registered through the portal by June 2015.[7]

The Working Group on Access to Information at the IRM consultative meeting concluded that this commitment is not sufficiently ambitious, given the challenges and potential of the e-government portal. Further, they pointed out that there was no oversight of the commitment's implementation. The meeting participants believed the second milestone was a more significant step. They believed that developing an application for mobile phones could help promote the portal and should be prioritized in the future.

Moving forward

First, there needs to be a strategic approach to and a coherent long-term vision for the topic. Therefore, a Digital Agenda Strategy and Law on E-government should be developed. The IRM researcher's interviewee suggested learning from the good practices of Montenegro.[8]

In December 2014, the Directorate for E-government launched a consultation process on the draft Strategy and Action Plan for the Development of E-government for the period from 2015 to 2018. The consultation aimed to gather expert opinion and general public stances regarding sector priorities in the midterm period. The Policy and Legal Advice Centre (PLAC) supported drafts.[9] This document noted key priorities of completing the strategic and legal framework through harmonization with the Directive on the reuse of public sector information and improvements to e-government infrastructure, including a citizen registry and an improved property registry.[10] This initiative should be in the next OGP action plan.

LSUs are crucially important to assure quality public services, because they are the level closest to the citizens. Given the challenges at the local level, CSOs at the IRM working group on access to information believed that the Standing Conference of Towns and Municipalities should be more involved in training CSOs and commissioners.

Additionally, CSOs believed that the next OGP action plan should incorporate a separate section on open data, rather than be clustered with activities on access to information. They believe this would prioritize open data's importance. At the same time, it is important that open data initiatives should open government or target key sectors, rather than opening data for open data's sake.

[1] Marija Kujacic, Chief of the Department for Implementation and Support at the Directorate for E-government, interview with the IRM researcher, Belgrade, 14 August 2015.

[2] An additional training titled "Key elements of e-governance infrastructure" was held on 26 November 2015, program available here: http://bit.ly/1K7rlFm

[3] For instance, see that the YouTube page of the Directorate for e-government is being regularly updated here: https://goo.gl/rldfXv.

[4] Kujacic interview, 14 August 2015.

[5] AP and SIV, "Neiskorišćen Potencijal Elektronske Uprave," EurActiv Serbia, 3 November 2015, http://bit.ly/1OsT4FI

[6] Ninamedia Research, Informisanost i Stav Građana Prema Uslugama, Nacionalnog Portala eUprava, 31 March 2015.

[7] E-government portal at http://goo.gl/FLInPj

[8] Kujacic interview, 14 August 2015.

[9] Policy and Legal Advice Centre, http://plac.euinfo.rs/

[10] "Proposal for the Strategy of eGovernment Development in the Republic of Serbia for the Period 2015-2015 and its Action Plan," Belgrade Chamber of Commerce, http://goo.gl/Y47t6s

9: Public administration website harmonization and amendments to the Law on Free Access to Information of Public Importance

Action plan commitment text:

1. *Harmonization of public administration authorities', and local self-government units' websites, according to the Guidance for website design:*
   a. *Expand the scope of assesment of harmonization according to Guidance to local self-government units*
   b. *Annual report on website harmonization that should be adopted by the Government*
2. *Improve the provisions of the Law on Free Access to Information of Public Importance so to determine the obligation of public authorities to develop and maintain a website with all the information about the work of the Authority in accordance with OGP APplicable regulations, to establish the obligation of public authorities to submit draft legislation to the the Commissioner for opinion, and to authorize the Commissioner to file misdemeanour charges for violation of the right of access to information.*
   a. *Preparation of Draft Law on amendments to the Law on Free Access to Information of Public Importance;*
   b. *Determination and publishing of Public Hearing Programme;*
   c. *Conducting public debate;*
   d. *Submitting Draft Law to the Government for consideration and formulation of the Bill*

Lead Agency: Ministry in charge of e-government; Ministry in charge of public administration

Partner: Civil society organizations (CSOs)

Start Date: Quarter IV 2014   End Date: Quarter IV 2015

Commitment overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
OVERALL				✔	✔	✔		✔				✔		✔		
1. Harmonize websites				✔	✔	✔		✔			✔				✔	
2. Access to information law				✔	✔	✔	✔					✔	✔			

What happened?

This commitment achieved limited completion during this first year of implementation.

The parts of the first milestone scheduled for completion during the reporting period were fully completed. The government adopted guidelines for government websites in 2005, and improved them in 2008, 2010, 2012, and October 2014. Improvements included the evaluation of websites of local self-government units (LSUs) and regional

autonomous bodies.[1] The discussion, held on the Directorate for E-government's website from 18 June 2014 through 3 July 2014, received three suggestions through the Portal and six via email. The public discussion on 3 July 2014, prior to the adoption of the OGP action plan, gathered 107 representatives of the public administration, as well as LSUs, academics, and CSOs. A public report gathers all suggestions and provides feedback on why suggestions were or were not accepted.[2]

The other activity of the first milestone was the annual report on website harmonization. According to the IRM researcher's interview with the Chief of the Department for Implementation and Support (a division of the Directorate for E-government), that office conducted three evaluations from November 2014 to April 2015. Low performance on the initial criteria led the Department to deliver preliminary scores in December 2014 so that public administration entities could see the suggestions and make revisions based on content, services, graphic design of the presentation, navigation, availability, usability, accessibility, safety, domain name, and maintenance of the website.[3] In February and March 2015, the entities made those revisions, and final scores were delivered by the end of April.

The annual report for 2014 was adopted on 23 July 2015, outside the scope of the OGP action plan midterm report.[4] It will be evaluated in the IRM end-of-term report.

Based on interviews with government and civil sector stakeholders, the second milestone has not started. Three of the four subactivities should have been completed during the period.

Did it matter?

The first milestone would have a moderate potential impact. The Directorate for E-government began the first analysis of public website harmonization including LSUs in October 2014. All 174 LSUs have websites, while, on average, 43 percent are harmonized.[5] Only a third of LSU websites publish data on the budget, audit, and other sources of financing. Furthermore, although mandated by the Law on Free Access to Information of Public Importance to publish information about their work, in 2014, thirty LSUs did not. Only 22 percent published this information.[6] The eventual goal, then, is for the guidelines to become a bylaw, in the form of a rulebook, for instance. In this way, this activity is a first step toward further legal strength (even though the requirements are already legally binding through the government conclusion). Given the monitoring and evaluation mechanisms, Ivan Branisavljevic argues that the lack of an explicitly "stronger" legal compliance element does not diminish the importance of this activity.

The Commissioner for Information of Public Importance and Personal Data Protection believed noncompliance was due to lack of sanctions and good practices.[7] The Commissioner, an autonomous public authority responsible for the Law on Personal Data Protection and Law on Free Access to Information of Public Importance, found that 18 LSUs in Belgrade were unsatisfactory.[8]

The second milestone is of transformative potential impact. First, it would require public authorities to develop and maintain a website with all the information about their operations. Dušan Šabić, a representative of the Open Society Fund, emphasized that the problem arises from implementation because, according to the Global Right to Information Rating, the law was the best in the world.[9] As one example, the government disregarded the requirement to publish a report on the implementation of the Commissioner's annual recommendations.

Secondly, the milestone would require public authorities to submit draft legislation to the Commissioner. According to the participants of the consultative meeting working group, if adopted, four current draft laws could limit access to information (the Law on

General Administrative Procedure, the Law on Patent, the Law on Environmental Protection, and the Law on Investments).

Finally, Šabić noted that authorizing misdemeanor charges for violation of the right to access information would increase the independence of the Commissioner from the responsible ministry and would empower the Commissioner to act.

In response to the IRM's questionnaire, LSU representatives deemed the milestone moderately ambitious.

Moving forward

The EU integration process in an overarching strategic goal of the country and all other national initiatives, like OGP in the country, should take that process into account for increased political relevance. For instance, in the third draft of the Accession Action Plan for Chapter 23, the amendments to the Law on Free Access to Information of Public Importance are envisioned for 2016. However, according to the Government Annual Work Plan for 2015, the Bill amending the Law on Free Access to Information of Public Importance will be submitted to the Assembly by December 2015, in accordance with the deadlines prescribed by the OGP AP. It aims for a more efficient implementation of the law in accordance with the conclusion adopted by the National Assembly, following its consideration of the Report on the Implementation of the Law on Free Access to Information of Public Importance. Namely, by requiring the Commissioner for Information of Public Importance and Personal Data Protection, to submit an annual report on the implementation of the Law on Freedom of Access to Information of Public Importance and the Law on Personal Data Protection. In March 2015, the Commissioner submitted its tenth report to the Assembly, and the sixth report that also incorporates personal data protection.

The political reality and feasibility of completing certain milestones should be considered. Additionally, deadlines should be aligned across strategic documents. As stated in the Commissioner's 2014 report, the Commissioner functions with 60 percent of staff. The European Commission's 2014 Progress Report also notes that it is necessary to strengthen the institutional capacities of the Commissioner.[10] During the IRM consultative meeting, CSOs remarked that this institution should have adequate resources prior to broadening its mandate. They believe it is necessary to introduce an oversight mechanism to assure that this obligation is respected. A 2011 amendment to regulations on the public administration had little success.

Interviewees including the representative of the Educational Centre from Leskovac pointed out that the Commissioner was wary of taking part in OGP-related activities; but the participation of the Commissioner, the Ombudsman, and the State Audit Institution is paramount for the successful implementation of the milestones and open government in Serbia.

Finally, the third milestone of the second commitment should be prioritized. The government's self-assessment report notes that a working group will be formed. However, it also claims that public discussion is unnecessary because the Law on Access to Information of Public Importance is not a systemic law (a category into which approximately 15 to 20 percent of draft laws fall)[11] and representatives of other bodies and organizations will be part of the legal drafting group. Yet no clear procedures, standards, or criteria define the appointment of working group members or its operation.[12] In the past, CSO representatives have been chosen mainly for their personal expertise, which puts into question their representativeness of the sector. Also, the participation of CSO representatives does not mean CSOs agree with the final law. Therefore, a public discussion would create an open and inclusive opportunity for CSOs and citizens to contribute to the policymaking process, since the given Law is an

example of "a topic particularly relevant to the public" as the Government Rules of Procedure note under the provision of public discussion.

[1] Government Conclusion 05 No. 093-12777/2014, 22 October 2014.

[2] The report was originally available at http://bit.ly/1OOBJZr but was taken offline during finalization of this report.

[3] Directorate for E-government, MPALSG, "Report to the Government: Evaluation for 2014," July 2015, http://bit.ly/1WXdhJN

[4] Government Conclusion 05 No. 093-7566/2015, 31 July 2015, http://bit.ly/1j5mNHY

[5] Teodora Todorović, "Većina Sajtova Lokalnih Samouprava bez Važnih Informacija," Analize, Istinomer, 28 August 2015, http://bit.ly/1Odx00b

[6] Republic of Serbia, "Law to Create and Publish a Directory of the Public Authority," Official Gazette No. 68/2010, http://bit.ly/1SA5bjJ

[7] Todorović, "Većina Sajtova Lokalnih Samouprava bez Važnih Informacija,".

[8] "Lose Stanje Informatora o Radu u Organima Lokalne Samouprave u Beogradu," Commissioner for Information of Public Importance and Personal Data Protection, http://bit.ly/1QJRjVw

[9] "Global Right to Information Rating: Country Data," Centre for Law and Democracy, http://www.rti-rating.org/country-data

[10] Commission of the European Union, "Commission Staff Working Document, Serbia 2014 Progress Report, SEC (2014) 302" (Report, Brussels, 8 October 2014), 50.

[11] Milanovic, D., N. Nenadic, and V. Todoric, "Survey of Improvement of the Legislative Process in Serbia," by GIZ (Survey, Belgrade, June 2012), 107, http://bit.ly/1mszmQ7

[12] Civic Initiatives, "Country Report: Serbia," prepared for the Regional Civil Society Conference for Europe of the Western Balkans and Turkey (Report, Croatia, 26-28 September 2012).

10: New technologies to improve citizen services

Action plan commitment text:

1. *Establishing „Electronic Bulletin Board" in all police departments and stations, and Ministry of Interior*
   a. *To set up kiosks in police stations where citizens can get the information on procedures for obtaining services, or submit the request for services from eGovernment portal*
   b. *Providing payment of administrative fees via credit cards, at kiosks*
2. *The realization of electronic services related to issuance of personal documents to a level limited by the obligatory presence of citizens due to identification and biometric data*
   a. *Procurement of equipment and installation*
   b. *Service getting started*

Lead Agency: Ministry in charge of e-government

Partner: Ministry of the Interior; Civil society organizations

Start Date: Ongoing   End Date: Quarter IV 2015

Commitment overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
OVERALL			✔		✔			✔		✔				✔		
1. Electronic bulletin board			✔		✔			✔		✔				✔		
2. Electronic services for personal documents		✔			Unclear				✔				✔			

What happened?

The IRM researcher could find no information on this commitment through desk research, so the evaluation is based on data collected through interviews. This signifies the limited completion of the commitment.

According to the interviewee from the Directorate for E-government, the first milestone stalled at the stage of testing. Payment for the test portals was resolved with Intesa Bank in 2013, but the Ministry of Finance must make the final decision on the bank(s) that will be designated to complete payments. The complaint procedure has yet to be clarified. Additionally, there is no funding to implement the milestone fully. The interviewee explained that the milestone was introduced because it promised to attract foreign funding.

This milestone should be completed by the end of 2015 and will be in the end-of-term report. The IRM researcher assesses it to have limited completion so far, although the government's draft self-assessment report noted that it had not started.

According to the interviewee, the second milestone completed the testing stage, but the Directorate was waiting for the Ministry of Interior to conduct necessary interventions to install the service in the respective offices. The extent to which these activities occurred prior to the adoption of the action plan, and the fact that the service is not running, marks the commitment progress as not started. The end date was Quarter I of 2015; thus, implementation of the milestone and the commitment was delayed.

Did it matter?

According to the 2013 OECD SIGMA Report, the 2012 Public Administration Reform Strategy is not clearly related to the e-government strategy. According to the SIGMA Report, the reform strategy "lacks a clear vision on coherent redesigning of public services and reviewing information systems."[1] Similarly, according to the Advisor of the Cabinet of the Serbian Chamber of Commerce, Zdravko Jelušić, there is no coherent e-government in Serbia, as evident by more than 40 disconnected government information systems.[2] Where systems do exist, there is low citizen awareness and use.

Given this context, the IRM researcher assessed the potential impact of the first milestone as minor, due to the lack of its specificity and since much of the information was already available at police stations. Therefore, the added value is not clear.

On the second milestone, E-services for personal documents started in the summer of 2013, under the Ministry of Foreign and Internal Trade and Telecommunications. It received financial support from the 2010 Instrument for Pre-Accession Assistance (IPA). Whereas it was significant for e-government, it does not clearly relate to the OGP values of access to information, civic participation, or public accountability. Additionally, it launched prior to OGP, so it can be considered retroactive with no potential impact.

Consulted CSOs complimented these milestones, but did not understand them fully. For example, a former representative of the Serbian OSCE Mission, when interviewed, was not aware of the milestones but believed the general idea was good. Additionally, the commitment names CSOs as partners in the implementation, but as far as the researcher could find, they have not been involved. No multistakeholder forum monitored or tracked the progress of commitment implementation, and consulted CSOs were not aware of any developments in this respect. In response to the IRM researcher's questionnaires, CSOs perceived both milestones as ambitious, but the majority of respondents did not know if these activities were carried out or, if so, to what extent.

Finally, despite the limited level of completion and low potential impact, it is important that the Ministry of Interior signed onto the OGP action plan. On the one hand, this shows willingness to participate from this important ministry. In addition, commitments that involve key responsibilities of the Ministry of Interior, such as policing, are very uncommon in OGP action plans.[3]

Moving forward

While this commitment is a promising start, more steps need to be taken to have potential impact on security. Some possible steps include the following:

- A Serbian version of the open-source, Belgian Police Internet Platform, could be considered for using technological innovation to build safer communities. In this tool, local police manage their information in a single platform that facilitates citizen contact and access to police.[4]

- Extensive evidence collected by the UNDP mission in Serbia,[5] the Belgrade Centre for Security Policy,[6] and the A-COP group,[7] all suggest that corruption in policing is a serious issue that is ripe for open government reform.

- The Open Government Guide contains a variety of model commitments for this sector that could increase potential impact in the next OGP action plan, including publishing important police-related information (perhaps through access to the Electronic Bulletin Board), public surveys about police performance, and crime or policing maps.[8]

Finally, the goal should be more clearly specified, and a balance should be established between including commitments verbatim from previously defined strategic documents, projects funded by multilateral or bilateral donors, or activities without financial resources. For a commitment to merit inclusion in the OGP AP, it should further specify activities to be completed or guarantee implementation of ongoing activity.

[1] SIGMA, "SIGMA Country Assessment Reports: Serbia Assessment Report 2013" (Report, OECD Publishing, April 2013), 5, http://dx.doi.org/10.1787/5jz2rql2m7hg-en

[2] "U Srbiji Još Nije Uspostavljena Funkcionalna E-uprava," Ekonomija, Blic, 10 February 2014, http://bit.ly/1RXZyyH

[3] As of October 2015, of nearly 2,000 commitments in the OGP Explorer database, 36 (1.8 percent) were tagged relevant to "Law Enforcement and Justice."

[4] "Belgian Police Internet Platform Release," Blog, Open Police, 15 September 2013, http://bit.ly/1PxZghl

[5] UNDP Srbija, "Istraživanje Javnog Mnenja o Korupciji," Beograd, November 2011, http://bit.ly/1RY0O55

[6] CeSID, "Stav Gradjana Srbije Prema Korupciji," UNDP Srbija, December 2013, http://bit.ly/1PFba6t

[7] Marko Savković, Predrag Petrović, and Saša Đorđević, "Gradjani Srbije o Korupciji u Policiji," Publikacije, April, 2013, http://bit.ly/1PMca9Q

[8] "Police and Public Security," Open Gov Guide, http://bit.ly/1JnsBJp

11: Cooperation with civil society organizations in public policymaking

Action plan commitment text:

1. *Drafting the National Strategy for the Enabling Environment for the Development of Civil Society for the period 2014-2018, and Action Plan for implementation of the Strategy, through a wide consultative process with all stakeholders throughout Serbia.*
   a. *Preparation of the text of working version of National Strategy and Action Plan*
   b. *Conducting 10 consultative meetings throughout Serbia with representatives of local and regional institutions, civil society organizations, and business sector*
   c. *Determination and publishing of Public Hearing Programme*
   d. *Conducting public debate*
   e. *Submitting Proposal National Strategy and Proposal Action Plan to the Government for consideration and adoption*
2. *Amending the Law on Local Self-Government, so to especially consult the Standing Conference of Towns and Municipalities with the aim of cooperation between state administration authorities and local self-government units*
   1. *Submitting Draft Law to the Government for consideration and formulation of the Bill*

Lead Agency: Ministry in charge of public administration; Office for cooperation with civil society; Ministry in charge of local self-government

Partner: Civil society organizations

Start Date: Quarter III 2014   End Date: Quarter II 2015

Commitment overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
OVERALL			✔		✔	✔					✔				✔	
1. National strategy				✔	✔	✔					✔				✔	
2. Law on local self-government			✔		Unclear					✔				✔		

Editorial Note: Under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented. The IRM updated the star criteria in early 2015.

What happened?

Serbia does not have a systemic approach to civil society participation in policymaking, and this commitment aimed to provide a strategic framework that would create a predictable environment and concrete mechanisms of engagement. CSO participation in policymaking has been, to a large extent, ad hoc, reactive, and untimely.[1]

The first milestone was substantially completed. The final subactivity—submission of the proposal and action plan to the government—is expected in September 2015, a quarter-year delay. Consultative meetings occurred in ten cities in October and November 2014. The public discussion period was delayed, running from 23 July 2015 to 14 August 2015.[2] It included three gatherings in Belgrade on 29 July 2015,[3] one in Novi Sad on 31 July 2015,[4] and one in Niš on 5 August 2015.[5] The E-government Portal accepted comments via email template and regular mail. Prior to the public discussion, the four consultative meetings discussed the working text on 18 July 2014, 8 September 2014, 15 January 2015, and 11 May 2015.

The second milestone aimed to strengthen cooperation between CSOs and LSUs, but with the Standing Conference of Towns and Municipalities as an intermediary. Since the Law on Local Self-Government was amended in September 2014 and does not mention SCTM,[6] the milestone is limited in completion. However, the amended law gives room for cooperation and association between LSUs, as well as other bodies and offices. Furthermore, the ministry in charge developed amendments to include a provision that requires central and regional authorities to consult the LSU or the Standing Conference.[7] According to the MPALSG report, this provision is being processed. It is not clear when public discussion will take place or when the draft will be submitted to the government, which would mark the completion of the milestone.

Did it matter?

The IRM researcher evaluated this commitment as having a moderate potential impact. The specific activities and participatory design of the commitment (at least in the first milestone) are a significant step forward in improving participation in policymaking in Serbia.

However, a significant amount of background information is necessary to understand the significance of this commitment, especially in regards to the European integration process, the pre-existing regulatory framework, and the impacts already seen.

European integration

The process of EU integration increases expectations, mounts pressure on the public administration to conform, and encourages cooperation between the public and civil sectors. The European Commission early on emphasized the role of CSOs in the process of reform and EU integration in key documents and statements. For instance, it established the Civil Society Facility (CSF) in 2008 to support the development of civil society financially. To assure adequate participation and to monitor the process of Serbia's accession, CSOs established the National Convention on the European Union (NCEU) in 2006. It included 35 working groups corresponding to the accession negotiations chapters,[8] and led by CSOs or coalitions of CSOs, selected according to expertise and proven capacity. An average group gathers 25-30 representatives from the civil sector, businesses, experts, academia, LSUs, and media.[9]

Partly as a result, cooperation has been steadily improving over the years. In the accession process, CSOs have been able to follow the explanatory screening sessions online, receive debriefings following the bilateral screenings, and participate in the preparation of a bilateral screening in individual chapters and capacity building seminars on specific policy areas.

Despite these improvements, in the Analytical Report for Serbia from October 2011, the Commission noted that the cooperation between the public and civil sector remained ad hoc and uneven, with most of the activities centered in Belgrade.[10] Civil society participation has, for the most part, continued to be on a case-by-case approach that does not allow for maximum potential and capital.[11]

Regulatory framework and baseline

As previously mentioned, CSOs have the opportunity to influence a draft laws or strategy through participation in public discussions or in working groups. Public discussion is the main formal instrument that facilitates CSO participation in policymaking, which take place at the end of drafting processes.[12] In the majority of cases, it is a meeting that resembles a conference debriefing without a feedback mechanism. Other consultative meetings are nonobligatory[13] and conducted throughout development of the draft text.

The Office for CSOs is the chief mechanism and state body that bridges the two sectors. Until the Office for CSO's Guidelines for Involvement of CSOs, there was no cohesive document on the issue. The guidelines are a 'soft' law instrument, but they represent the first step towards a more systemic approach to cooperation between the government and CSOs.

Actual impact

As stated in the OGP action plan, the Office for CSOs has received financial support from the United States Agency for International Development (USAID) through the Civil Society Enabling Environment Project (CSEE) since February 2014. For 18 months, the Office for CSOs, among others, has aimed to enhance the capacity of the government to effectively implement the National Strategy to Support Civil Society in Serbia.[14] According to its operational plan for 2013-2014, a key objective is to develop the Strategy for Creating an Enabling Environment for Civil Society Development.

In this context, this commitment was included in the OGP action plan, and the Office for CSO's project previously developed the first milestone's activities. The majority of civil society representatives who completed the IRM researcher's online questionnaire confirmed this. It is interesting to note that CSOs seemed more informed about this milestone than LSU representatives. The office used an inclusive approach that gathered more than 300 CSO representatives through the 'Open Space' methodology.[15] This created greater responsibility for the Office for CSOs, but also a sense of coownership among the civil society participants. The Office for CSOs managed the process with limited capacities, particularly following the dismissal of its Director.

Consulted stakeholders reported different experiences with having their proposals included in the design of the activities. At the IRM researcher's consultative meeting, a representative of Civic Initiatives mentioned that the commitment does not include their proposal for two-step decision making in awarding funds. They were told the mechanism was too costly and that the activity is under the jurisdiction of neither the Office for CSOs nor the State Audit Institution. Furthermore, the question remains whether allocation of resources can be a matter decided by the administrative court. If so, decisions could not be subject to reassessment. At the same time, a representative of the Belgrade Open School outlined that organization's positive experience in drafting the documents because the majority of their suggestions were adopted. However, she believed it did not add value in the context of OGP.

Most of the representatives of the LSU who responded to the IRM researcher's questionnaire deemed the second milestone to have moderate impact, followed by those who perceived it as transformative. The CSOs at the IRM consultative meeting believed it was not particularly important in the context of OGP. Some noted that by referring to the SCTM explicitly, the law would create a preferential treatment or a bottleneck with that organization. Moreover, in an interview with the IRM researcher, the former Director of the Office for CSOs stated that public administration bodies started turning to the Office for CSOs for all matters CSO-related by default. The capacities of the newly created institution were strained under this pressure.

In the opinion of the IRM researcher, the commitment was not clearly relevant to OGP. Decentralization is not necessarily relevant to open government if it does not involve transparency, participation, or accountability at the local level. For example, Commitment 12 tackles the issue of citizen participation at the local level, and is relevant to OGP.

Moving forward

The Office for CSOs should focus on raising public sector capacity for effective engagement with civil society, rather than splitting its already scarce resources.[16] Resources should be mapped and their influence grouped to use civil society capacities in developing the sector, where possible. In this manner, the sector's independence and growth will be fostered while dependence and bottlenecks will be surpassed. The SCTMs may serve as a useful tool in the consultation process, but the reactions and effects have yet to be seen.

It is also necessary to strengthen CSOs' participation in the process at the local level and this could be included in the next plan. Furthermore, the level of ICT knowledge is low, and strengthening capacities in this area potentially could strengthen the implementation of other milestones as well.

Participants estimate that the LSUs do not recognize capacities of CSOs. To achieve greater level of ambition and influence, this commitment should include principles of transparency and accountability within the statutes of local self-governments.

---

[1] European Policy Centre, "Civil Society and Government: Participatory Policy Formulation in Serbia" by Amanda Orza (Report, Serbia, December 2014), 2, http://bit.ly/1NYSEp7

[2] "Pokrenuta Javna Rasprava o Strategiji za Stvaranje Podsticajnog Okruzenja za Razvoj Civilnog Drustva," Office for Cooperation with Civil Society, http://bit.ly/1NBgHHG; "Zavrsena Javna Rasprava o Strategije," Office for Cooperation with Civil Society, http://bit.ly/1SVND2i

[3] "U Beogradu Odrzana Javna Rasprava o Predlogu Nacionalne Strategije za Stvaranje Podsticajnog Okruzenja za Razvoj Civilnog Drustva," Office for Cooperation with Civil Society, http://bit.ly/1Mk1Tzs

[4] "Odrzana Javna Rasprava o Predlogu Nacionalne Strategije za Stvaranje Podsticajnog Okruzenja za Razvoj Civilnog Drustva u Novom Sadu," Office for Cooperation with Civil Society, http://bit.ly/1H6vhdB

[5] "Odrzana Javna Rasprava u Nisu ovodom Predloga Strategije," Office for Cooperation with Civil Society, http://bit.ly/1Mztcnl

[6] Republic of Serbia, "Law on Privatization," Official Gazette of the Republic of Serbia, No. 83/2014, 13 August 2014.

[7] "Amendments to the Law on Local Self-government," MPALSG, http://bit.ly/1HVOxFn

[8] "National Convention on the European Union (NCEU) Platform for Participation and Monitoring the Negotiation Process for the EU," Convention on the European Union, http://bit.ly/1YYTfKx

[9] Bojan Elek, Ljiljana Ubović, and Tomasz Żornaczuk, "Civil Society Networks in the EU Integration of Serbia," *Polish Institute for International Affairs*, No. 8 (110), (2015), http://bit.ly/1SCTI2U

[10] European Commission, "Commission Staff Working Paper, Analytical Report" (Report, Brussels, 12 October 2011), http://bit.ly/1NLXWqW

[11] European Policy Centre, "Civil Society and Government"

[12] Public discussion is mandatory in developing a new law and amendments, if they significantly alter the existing law. The exception is if the Government Committee decides otherwise according to the Government Rules of Procedure.

[13] A draft law submitted to the government for adoption needs to be accompanied with a report on the public discussion or justification for why it was not conducted.

[14] "Support for the Office," Office for Cooperation with Civil Society, http://bit.ly/1JRE0vQ

[15] An approach to facilitate meetings, seminars, workshops, conferences or any other form of gatherings characterized by a broad, open invitation; participants organised in a circle; a "bulletin board" posted by

participants; break-out sessions allowing participants to move freely; and a "breathing" flow, between plenary and small-group breakout sessions.

[16] Bojana Selakovic, Manager of the Public Policy Program at Citizens Initiatives, interview with the IRM researcher, Belgrade, 20 August 2015.

12: Citizen participation in local government affairs

Action plan commitment text:

1. *Signing Additional Protocol to the European Charter of Local Self-Government which guarantees participation of citizens in public authority affairs at local level*
   a. *Preparation of Draft Law on Ratification of the Additional Protocol to the European Charter of Local Self-Government*
   b. *Submitting Draft Law to the Government for consideration and formulation of the Bill*
2. *Strengthening the capacity of local self-governments in the areas of cooperation with civil society and transparent funding of CSOs from the budgets of local governments*
   a. *Organizing training for the local self-government units employees, on the application of the Guidelines for the inclusion of civil society organizations in the process of adopting regulations and transparent funding of CSOs from the budget funds.*

Lead Agency: Ministry in charge of local self-government

Partner: Office for cooperation with civil society; Civil society organizations

Start Date: Quarter I 2015   End Date: Quarter II 2015

Commitment overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
OVERALL			✔			✔					✔				✔	
1. Signing additional protocol				✔		✔				✔				✔		
2. Strengthening local capacity			✔			✔					✔					✔

Editorial Note: Under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented. The IRM updated the star criteria in early 2015.

What happened?

The commitment is substantially complete: the first milestone was just started, and the second was completed.

The OGP action plan noted that the government carried out the preparatory tasks for the signing of the Additional Protocol to the European Charter of Local Self-Government. This Protocol guaranteed the participation of citizens in local public affairs prior to the adoption of the OGP action plan. However, since then, the IRM researcher's desk research did not show any progress. Her interviews suggested that many stakeholders, including representatives of the LSU, did not know that the activities had been started.

The second milestone was completed with a slight delay. It was an ongoing activity under the Civil Society Enabling Environment project (CSEE), so the following results are based on a report of the Office for CSOs (responsible for that project). Out of the 140 LSUs who received the call for participation, 120 attended the trainings, with a total of 211 participants. The majority of the attendees were associates in the city or municipal administrations. The two-day seminars were conducted from 29 January 2015 to 3 April 2015. According to participation evaluations of the seminar, more than 66 percent gave the content and the working methods the highest score. In total, more than 90 percent expressed very high satisfaction with the seminar.

Did it matter?

According to a study on civil society participation in the strategic planning of local level development led by the Center for Equitable Regional Development (CenTriR), only 13 percent of LSUs declared that they have a regulated procedure of engaging CSOs in their strategic planning processes.[1] Only one third of municipality/city, both local authorities and civil sector are satisfied with the cooperation.[2] Problems inhibiting greater cooperation between civil society and the public sector on the local level are lack of CSO interest, capacity, and knowledge to get involved; lack of information on the timeline of the process; lack of funding for participation; and a degree of distrust.

In response, over the last couple of years, a number of municipalities have taken additional steps to create an enabling environment for citizens' and CSO engagement in local decision making processes. For instance, some created a CSO registry or introduced an organizational unit or working position in charge of cooperating with civil society.

In this context, the IRM researcher considers the commitment to be of moderate potential impact overall. LSU representatives who responded to the IRM researcher's questionnaire, for the most part, believed this commitment to be moderately ambitious. However, nearly half did not know about its implementation.

Notably, the Additional Protocol exists in other plans. It is in the National Plan for the Adoption of the *Aquis*. As well, it is an activity that has been prorogated from the April 2014 Government Annual Work Plan to the January 2015 Government Annual Work Plan and beyond, with deadlines not in accordance with the OGP action plan.

Moving forward

The implementation of the first milestone should be reconsidered and its added value assessed. The commitment on strengthening LSUs' capacity to cooperate with civil society and to fund CSOs transparently is closely related to commitment 4. For clarity, in the future, the commitments should be more carefully divided according to topics rather than level of governance.

At the same time, geographical representation in regional consultations should be assured in drafting the next OGP action plan so the local level can voice its opinion. Additionally, the OGP process can serve to substantially link CSOs and LSUs. The Office for CSOs serves as a best practice example because it gives attention to raising awareness, capacity building, and engagement activities on the local level.

Finally, the next action plan should consider the particularly low engagement of CSO representatives in the stage of monitoring and evaluation implementation of strategic documents. It also should consider LSUs inadequate functional mechanisms and procedures to carry out these processes.[3]

[1] Vanesa Belkić, Danijela Jović, Petar Đurović, Peđa Martinović and Dušan Vukajlović, "Učešće Civilnog Sektora u Dosadašnjem Strateškom Planiranju Razvoja na Lokalnom Nivou u Srbiji," Belgrade, October 2014, 17, http://bit.ly/1OCRAVf

[2] Belkić et al., 41.

[3] Belkić et al., 44.

13: Civil society participation in monitoring the Public Administration Reform (PAR) Strategy

Action plan commitment text:

1. *Establishing a coordination system for monitoring the PAR Strategy*
   a. *Establishment of an Inter-ministerial Project group consisting of civil servants form state administration authorities and representatives of civil society organizations*
   b. *Training of members of Inter-ministerial Project group*
   c. *Regular meetings of the Inter-ministerial Project group (at least 4 times a year)*

Lead Agency: Ministry in charge of public administration

Partner: Civil society organizations

Start Date: Quarter II 2015   End Date: Ongoing

Commitment overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
				✔	✔	✔	✔				✔				✔	

Editorial Note: Under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented. The IRM updated the star criteria in early 2015.

What happened?

The second Public Administration Reform Strategy (PAR) began mid-2011 through the financial support of the EU. At the time, the Ministry of Public Administration coordinated it. Adopted in 2014, it prescribed implementation on four levels, involving both public management experts and political coordination. An action plan was scheduled for implementation within 60 days upon PAR's adoption in March 2015.

The PAR 2015 action plan had a strong monitoring, reporting, and evaluation system. It created an interministerial project group, gathering civil servants and CSO representatives to coordinate and monitor PAR's implementation. The members have reporting and evaluation tasks. This mechanism assures the proactive participation of relevant stakeholders.[1]

In December 2014, prior to the establishment of the interministerial project group, the Ministry of Public Administration and Local Self Government, Foundation for the Development of Economic Science (FREN) and Centre for European Policy (CEP) co-organized a training for the project group members in Vrsac. The workshop, titled 'Monitoring and evaluation of public policies: tools for implementation and ways to include civil society organizations', mostly gathered representatives of the public administration, and including some who did not in the end form part of the group.

In terms of the commitment, the milestones do not have a clear implementation end date, which somewhat inhibits adequate evaluation. The interministerial project group

was established on 23 February 2015.[2] As of this report, two meetings took place. They gathered 34 members, six from civil society and 32 substitute deputy members. The Head of Division for the Implementation of Public Administration Reform and Expert Specialization in the MPALSG is secretary of the group. Due to its size, the group has problems in functioning, exemplified by the noted difficulty to adopt its rules of procedure. Still, at the meeting on 7 October 2015, the group's rules of procedure were adopted alongside the results of the first six-month report on the implemented activities of the PAR AP.

Two subactivities were fulfilled, but the group met only once in the monitoring period of this mid-term progress report, so the IRM researcher considers the commitment substantially completed.

Did it matter?

The OECD SIGMA's 2013 Assessment found that the responsible ministry needed to "establish an efficient mechanism for ensuring consultation with regular NGOs and civil society and their involvement in PAR implementation and monitoring."[3] CSOs at the IRM researcher's consultative meeting noted that greater involvement of civil society should be ensured to match the number of public sector representatives. Currently, they believe this entity is essentially a working group of public administration bodies that need to coordinate the implementation of the PAR Strategy and action plan. While the government considers the development of the PAR action plan to have been quite participatory, in their own view, civil society organizations consulted feel they have only a monitoring role for corrections and consultations.

CSO's most substantial involvement in PAR (until the adoption of the PAR action plan) was the Sectoral Civil Society Organizations mechanism (SECO). The European Integration Office initiated SECO in 2011. It aimed to facilitate cooperation between civil society and the public sector in planning and using international development assistance funds across 10 different areas, of which PAR was one. Moreover, four models of cooperation were established: planning, programing, monitoring, and reporting.[4]

According to Ivan Knežević, Deputy Secretary General of the European Movement in Serbia and Member of the Interministerial Working Group, the new cooperation model is a substantial improvement. According to a study on monitoring and evaluation capacities in Serbia, "Only some strategic documents and their respective action plans are being monitored, and even this is due to the reporting obligations throughout implementation.[5]" For the most part, CSOs monitor as outsiders and exert external pressure. It is a unique joint body that allows civil society to be involved from within, and it is a rare example of formal CSO inclusion the monitoring of a public policy.

In terms of actual impact, however, Knežević believes it is too early to evaluate.[6] Danijela Božović, Project Coordinator at the Belgrade Open School and another IWG Member, pointed out that it is difficult to reach consensus when working in such a broad structure.

Given that this commitment was envisioned in the PAR action plan, and it is at the onset of implementation, the potential impact is moderate. Moreover, when speaking about the work of the IWG, the majority of interviewees referred to the PAR action plan as the prescribing document, not the OGP action plan.

Moving forward

Implementation of this commitment should be continued. According to the interviewees from the MPALSG, the operation of the group will be reassessed.[7] One idea, which would respond to participant observations about the difficulty of managing a large group, is that various subgroups could be formed depending on issues. Given the lessons learned

from the PAR, developments of the next OGP action plan could discuss transferring the monitoring mechanism to other entities.

[1] Republic of Serbia, "Strategy for Public Administration Reform in the Republic of Serbia, Off. Gazette of the Republic of Serbia, No. 9/14, 42/14 – correction," 23 April 2014, http://bit.ly/1QJS0hA

[2] Decision on the Creation of the Interministerial Project Group for Expert Affairs in Coordinating and Monitoring the Implementation Process of the Public Administration Reform Strategy in the Republic of Serbia for the Period 2015-2017.

[3] SIGMA, "SIGMA Country Assessment Reports: Serbia Priorities Report 2013" (Report, OECD Publishing. 31 October 2013), 8, http://bit.ly/1ZIpxMa

[4] Sektorske Organizacije Civilnog Drustva, www.cdspredlaze.org.rs

[5] Sena Marić, Jelena Žarković Rakić, Ana Aleksić Mirić, and Milena Lazarević, "Getting Results in Public Policy: Civil Society Organizations' Involvement in Policy Monitoring and Evaluation" (Manual, Belgrade, 2015), http://bit.ly/1msHU9N

[6] Ivan Knezevic, Deputy Secretary General at the European Movement in Serbia, interview with the IRM researcher, Belgrade, 17 August 2015.

[7] Ljiljana Uzelac, Head of Division for the Implementation of Public Administration Reform and Expert Specialization in the Ministry of Public Administration and Local Self-Government, interview with the IRM researcher, Belgrade, 10 August 2015.

V. Process: Self-assessment

The draft government self-assessment report was made available on 19 October 2015, and it was open for comments and suggestions until 30 October 2015. The final version was published late, while this IRM report was being prepared. The checklist below is based on this final document.

V.1: Self-assessment checklist

Was the annual progress report published?	Yes
Was it done according to schedule?	No
Is the report available in the administrative language(s)?	Yes
Is the report available in English?	No[1]
Did the government provide a two-week public comment period on draft self-assessment reports?	No
Were any public comments received?	Yes
Is the report deposited in the OGP portal?	No[2]
Did the self-assessment report include review of consultation efforts during action plan development?	Yes
Did the self-assessment report include review of consultation efforts during action plan implementation?	Yes
Did the self-assessment report include a description of the public comment period during the development of the self-assessment?	Yes
Did the report cover all of the commitments?	Yes
Did it assess completion of each commitment according to the timeline and milestones in the action plan?	Yes

Summary of additional information

The draft annual self-assessment report was published on 19 October 2015. Public consultation lasted until 30 October 2015. The draft was available on the website of the MPALSG,[3] the Office for CSOs,[4] and the E-government Portal.

Publication did not comply with several of the OGP's guidelines. It fell outside the OGP schedule, which required the government's self-assessment report to be final by 30 September. Further, the draft was available only in Serbian, not in English. Finally, the consultation period lasted for eleven days, rather than the two calendar weeks the OGP suggests.

The final self-assessment report was adopted and published late. It is available only in Serbian. The report summarizes the suggestions it received, although comments are not all individually publicly available.[5] Commenters noted delays in implementing certain milestones and stated that some of the reported activities do not reflect the situation on the ground. Additionally, commenters suggested a number of new initiatives, such as free online access to legislation and ways to strengthen the existing commitments.

The report notes that the draft was altered to incorporate relevant suggestions, and the introduction of new commitments will be considered in drafting the second OGP action plan.

[1] The report was not available in English at the time of finalizing this report, although the English version was posted to the OGP website in early January 2016.

[2] At the time of finalizing this report, neither version had been deposited on the OGP portal, although they were delivered prior to publication of this report.

[3] Republic of Serbia, "Draft Government Self-Assessment Report," 31 December 2015, http://bit.ly/1ld9DdT

[4] "Draft Report on the Implementation of the Action Plan for Implementation of the Open Government Partnership Initiative," Office for Cooperation with Civil Society, 19 October 2015, http://bit.ly/1QfFVle

[5] "Action Plan for the Implementation of the Open Government Partnership Initiatives," MPALSG, http://bit.ly/1IVvP1l

VI. Country context

This section places the action plan commitments in the broader national context of open government. Elections, the European Union, state influence in the media, and the refugee crisis all figure prominently in this context.

Elections and action plan delays

Sections I and II explain in greater detail the political issues taking place at the same time as the drafting of the action plan, which inevitably protracted the process. The early parliamentary elections took place in March 2014, and the new government led by Prime Minister Aleksandar Vučić took office at the end of April, with an unprecedented majority in the Parliament. The action plan was adopted to apply retroactively, as it incorporated a period prior to its adoption and also gathered activities that were previously conceived and in some cases already started. One of the problems noted throughout the IRM researcher's interviews and consultation with CSOs was the lack of political recognition and endorsement of the OGP process. The issue gained greater visibility only with the Tirana Western Balkan Dialogue.

Accession to the European Union (EU)

The OGP initiative is closely related to and interconnected with Serbia's accession to the European Union. At the onset of its participation in OGP, Serbia was a candidate country. The first Intergovernmental Conference between Serbia and the EU was held in January 2014.

The obligations to attain certain standards and fulfill conditions under the accession process provide for an environment conductive to OGP goals. For example, the EU accession process emphasized the PAR, one of the three fundamental pillars of the process. Also, the OECD SIGMA Principles of Public Administration, published under the auspices of DG Neighborhood Policy and Accession Negotiations, integrated openness and transparency of the administration. Although the topics of public accountability, the fight against corruption, fiscal transparency, access to information, and citizen participation may not have an explicit in the *acquis* basis, they are important principles in the EU Accession document:

- Chapter 5 regulates public procurement
- Chapter 23 on judiciary and fundamental rights relates to democracy, the rule of law, and anti-corruption
- Chapter 24 on justice, freedom, and security also relates to democracy, the rule of law, and anti-corruption
- Chapter 32 assures public sector accountability through strengthened internal and external financial control mechanisms

Therefore, the accession momentum could form an initial springboard for OGP, especially brining Serbia's non-governmental actors into policymaking processes. The positive experience of Croatia can serve as an example. Although civil society participation in policymaking and legal drafting is an internal state matter, the European Commission makes it clear that the accession process should be a wide-reaching and inclusive process that is not reserved merely for governmental actors. The 2014 Progress Report notes, "Authorities have taken steps to involve civil society in accession process at regular intervals."[1]

State influence in the media

Significant concerns were raised during the accession process regarding state financing; control of the media; deteriorating conditions for the full exercise of freedom of

expression; lack of transparency over media ownership, advertising, funding; and an increasing self-censorship tendency.[2] This OGP action plan does not tackle mechanisms of state financing of media, but this topic should be a priority moving forward because of claims that the mechanisms are tools of state control through which politicians in power maintain their image. There also are claims that critical media are being punished financially.[3] The problems are particularly pertinent to media and journalists entering financial arrangements with local self-government units (LSUs).

Research published by Cenzolovka (Censotrap) concludes that, in 2014, the Prime Minister was featured in a positive context on the front page of the 10 most influential printed media in Serbia 877 times. He was featured only 6 times in a negative context during 2014.[4] The Anti-Corruption Council of the Serbian Government published a Report on Pressure and Control of the Media in 2011 and again in February 2015. The reports demonstrated the lack of transparency of the ownership structure of the media.[5] The Bureau for Social Research conducted an opinion poll in the first quarter of 2015, which showed that more than 50 percent of Serbian citizens do not take media as a credible tool in evaluating and assuring government accountability.[6]

With the 2013 Law on Public Information and Media, the state will relinquish ownership of media, and will allocate public funds on the basis of project funding and competitions. However, this still leaves broad discretionary powers to the executive branch, central branch, and local branch.[7] Further, this funding mechanism favors local media due to their perceived weakness on the market. Assistance for local media is provided for institutional operational costs rather than for particular content development. That allows projects to carry out promotional programs. Additionally, without a robust monitoring system on expenditures, it is difficult to determine local media's value.

Refugee crisis in the Western Balkans

In 2008, Serbia passed the Law on Asylum.[8] In the first five years, out of a total of 10,048 people who sought asylum, only ten received it. This was due in part to the fact that Serbia is a transit country, and the majority of asylum-seekers leave prior to the finalization of their application procedure.[9] At the same time, according to Asylum Protection Centre estimations, the number of irregular migrants who illegally enter the country and do not seek asylum was six to seven times larger that the registered numbers in 2012.[10]

The number of asylum-seekers sharply increased in 2014, with over 5.000 applications received in the first six months.[11] In the summer of 2015, Serbia became a regular point on the route to reach Germany and Sweden. Current estimates are that nearly 300,000 people crossed this route in 2015, with 6,000 people crossing per day.[12] This peaked to 8,000 people per day in September 2015.[13]

The increasing flow led to conflicts with Serbia's neighbors. In mid-September, Hungary closed two border crossings with Serbia, which led to violent clashes and people camping on the Serbian side of the border.[14] In response, the refugee flow turned towards Croatia, which closed seven of eight border crossings with Serbia only two days after Hungary, sending asylum seekers back into Serbia. Since then, support from the European Union, the Council of Europe Development Bank,[15] and the United Nations Country Team in Serbia have helped the Serbian government manage the crisis.[16]

Legal and irregular migration fall under EU Accession Chapter 24 on justice, freedom, and security, and the EU evaluated Serbia's approach towards the crisis as constructive. The EU also recommended that Serbia strengthen its asylum and migration framework and align it with the *acquis.* PrEUgovor formed to monitor and to propose implementation of policies falling under chapter 23 and 24. It has engaged in discussions over the response to the refugee crisis in Serbia and the EU. Other

organizations are active in education and aid. Thus, the next OGP action plan offers the opportunity to further cooperation between civil and state actors on this issue.

Finally, it is worth highlighting that the Western Balkan governments recognized the paramount importance of a regional approach to the crisis. They made a four-point commitment at the Western Balkans OGP Dialogue held mid-September 2015 in Tirana, Albania. The governments agreed to act in solidarity with the refuge crises "in the spirit of proactive openness." They agreed to create a special informative site dedicated to this issue. The site will aggregate all related data in English, local languages, and in the languages of the refugees.[17]

Stakeholder priorities

Part of the IRM consultative meeting was organized into working groups based on the action plan themes, which the IRM researcher used to solicit stakeholder priorities.

It was clear to civil society stakeholders that the four grand obligations in the first action plan are interconnected; however, they questioned the rationale for the inclusion of certain milestones and activities. Stakeholders considered the topics of fight against corruption and access to information as particularly timely due to the ongoing EU accession process and the development of the action plan for Chapter 23. The topic of citizen participation increased in importance on the agenda, thanks to the Strategy for Creating an Enabling Environment for Civil Society Development.

There was general consensus among governmental actors and external stakeholders that the potential impact of the activities of the action plan was moderate. The activities did not add another dimension to other existing initiatives or potentially transform the status quo in the relevant policy areas. Nevertheless, it can be taken as an exercise, from which the coordinating ministry can learn lessons that feed into the next OGP action plan.

[1] European Commission, "Commission Staff Working Paper, Serbia 2014 Progress Report," (Report, Brussels, 8 October 2014), 11.

[2] Serbia 2014 Progress Report, p. 13, p. 46, p. 51.

[3] "Konkursno Finansiranje Medija - Unapređenje Nezavisnosti Medija Kroz Razvoj Održivog i Konkurentnog Modela Finansiranja,"Balkan Investigative Reporting Network, http://bit.ly/1mxRK9G

[4] "Perica Gunjic, "Godina Ljubavi [A Year of Love]," Dokumenti, Cenzolovka, 29 December 2014, http://www.cenzolovka.rs/godina-ljubavi

[5] Anticorruption Council of the Serbian Government, "Report on Ownership Structure and Control of the Media in Serbia," 20 February 2015, http://bit.ly/17BeUVe

[6] Bureau for Social Research, Media Monitoring: Corruption/Anti-Corruption, "Media in Serbia Means Public Advertising," 4 March 2015, http://bit.ly/1ZItr7w

[7] Balkan Investigative Reporting Network, Financing media through tenders, 2014, 5, http://bit.ly/1mxRK9G

[8] Republic of Serbia "Law on Foreigners," Official Gazette of the Republic of Serbia, No. 107/2007.

[9] Sena Marić, Snezana Petijevic, and Jana Stojanovic, "Analysis - Asylum Seekers in Serbia and Serbian Asylum Seekers in Europe," Asylum Protection Center, Belgrade, 2013, http://bit.ly/1R96o4F

[10] Marić, Petijevic, and Stojanovic, "Analysis", 8.

[11] "2015 UNHCR Subregional Operations Profile - South-Eastern Europe: Serbia, Overview," UN Refugee Agency, http://www.unhcr.org/pages/49e48d9f6.html

[12] Vessela Tcherneva & Fredrik Wesslau, "Refugee Road to Nowhere: The Western Balkans," Commentary, European Council on Foreign Relations, 30 October 2015, http://bit.ly/1Sdgfn8

[13] "Serbia Inter-Agency Operational Update: 1-7 September 2015," UNHCR.

[14] "Serbia Inter-Agency Operational Update: 15-21 September 2015," UNHCR, http://bit.ly/1IxXJFH

[15] "Serbia Inter-Agency Operational Update: 27 October-2 November 2015, UNHCR, http://bit.ly/1ObYMrk

[16] "Serbia Inter-Agency Operational Update: 3-16 November 2015," UNHCR, http://bit.ly/1RjhvGD

[17] "Western Balkans OGP Dialogue 2015, Open Government, Engage Citizens: A Learn-and-Show Initiative to Make Open Government Partnership Work," (conference, Tirana, Albania, 10-11 September 2015), http://bit.ly/1NDv9hW

VII. General recommendations

This section recommends general next steps for Serbia's OGP process in general, rather than for specific commitments. These recommendations come from the commitment evaluations above, stakeholder consultations, and the IRM researcher's analysis of the process of developing and implementing the first action plan.

Private sector participation

More CSOs participated in each stage of the consultations to draft the OGP action plan. However, the private sector did not similarly increase its participation. Therefore, the OGP might not be associated with bringing benefits to the business sector, and MPALSG should place further focus on attracting private sector stakeholders. As this OGP action plan promoted innovative technology and legal solutions that impact the business environment, their experiences and views are relevant. For instance, teaming up with the Serbian Chamber of Commerce and Industry could be considered.

Sufficient budgetary resources

CSOs noted, and the results analyzed above illustrate, that one of the main limitations in Serbia's OGP performance so far has been the lack of adequate financial and human resources. For one, the OGP action plan incorporated previously prescribed commitments, "piggybacking" on other strategic documents and foreign donation-funded projects. Secondly, originally one and now two civil servants work part-time on OGP process; this is not sufficient. The process needs a continuous effort across the government, but budget constraints make it unrealistic for an individual to work on OGP full-time.

Clarify action plan design

The IRM researcher noted that the working group has not had sufficient in-person meetings, and members merely sent input. Because of this, the document's coherence suffered. The commitments were not clustered in the most efficient manner, and the member institutions did not know about commitments that did not directly concern them. This blurred their vision of OGP's goal.

Thematic prioritization

Many of the CSOs consulted believe that the commitments do not represent the open government priorities in their respective sectors, or that the commitments are already covered sufficiently in other strategic documents. Thus, the IRM researcher proposes consultation at the beginning of the developing the next action plan (instead of after a draft document with priorities already exists).

For example, the action plan should devote more attention to the issue of access to information, because that is the bedrock for the other OGP values. This is specifically relevant because improvement of the Law on Free Access to Information of Public Importance still has not commenced.

The development of the Strategy for the Creation of an Enabling Environment for Civil Society Development can serve as a benchmark and positive example of using open space method to devise priorities.

Independent institutions

Finally, it is important to include independent institutions in the next action plan, both in developing and implementing activities. These institutions are affected by and

sometimes enforce policies resulting from OGP commitments, and therefore should be involved to make commitments more relevant and more easily implementable.

Top SMART recommendations

Since 2015, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessment reports. Recommendations follow the 'SMART' logic; they are Specific, Measurable, Answerable, Relevant, and Time bound.

The IRM researcher offers the following five recommendations in the SMART format:

TOP FIVE 'SMART' RECOMMENDATIONS
1. The MPALSG, with the support of the Office for Cooperation with Civil Society, should organize consultative meeting with external stakeholders (not only civil society organizations, but also the private sector) to discuss the mechanisms for the multistakeholder consultations and the drafting process of the next action plan.
2. The MPALSG should assess available human and financial resources devoted to the OGP process to choose the optimal options for an OGP communication approach, awareness-raising campaign, and broader geographical reach of consultations beyond the capital city.
3. The MPALSG should coordinate the project drafting group, not merely gathering input but also ensuring that the document is coherent and that the lead and partnering agencies are aware of other milestones that are not under their purview.
4. The MPALSG should initiate the action plan consultation process in the presence of the representatives identified from concerned state bodies, and it should be done prior to developing a working draft to allow for external stakeholders to have a substantial impact in the stage of formulation.
5. The MPALSG should develop a model of maintaining contact and cooperating with local self-government units and the Standing Conference of Towns and Municipalities in the drafting, implementation, and assessment stages.

VIII. Methodology and sources

As a complement to the government's self-assessment report, well-respected governance researchers, preferably from each OGP participating country, write an independent IRM assessment report.

Experts use a common OGP independent report questionnaire and guidelines,[1] based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and, when possible, makes public the process of stakeholder engagement in research (detailed later in this section). In national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

The IRM researcher gathered data for this progress report through direct attendance in the process of drafting the action plan, semi-structured interviews with representatives of government institutions involved and with CSOs active in the policy areas, as well as two surveys–one aimed at the civil society actors beyond the "usual suspects" and the other aimed at local LSUs. Finally, on 21 September 2015, the IRM researcher organized a consultative meeting with the support of the MPALSG, and CEAS, which has been active in the OGP since 2012.

Interviews and focus groups

The IRM researcher could not review the government's self-assessment report because it was not prepared at the time of writing the independent report. The IRM researcher consulted the MPALSG contact point, who shared key points on the information gathered for writing the self-assessment report. In these interviews and others, the IRM researcher gathered the views of civil society and appropriate government officials. In total, 15 interviews were conducted in a two-month period, from July to September 2015. Out of these, six were with the representatives of the lead or partnering agencies, two were with USAID, a representative of the Judicial Reform and Government Accountability Project, and a representative of the Business Enabling Project. Seven interviews were conducted with key CSOs. The institutions that the IRM researcher did not succeed in reaching were the Ministry of Finance, MJPA, and the Sector for Local Self-Government of the MPALSG. Only one individual had not been involved in the drafting of the action plan.

The IRM researcher interviewed the following individuals:

1. Dragana Brajović, OGP Contact Point, Ministry of Public Administration and Local Self-Government, 10 August 2015.
2. Ljiljana Uzelac, Ministry of Public Administration and Local Self-Government, 10 August 2015.
3. Milena Banović, Government Office for Cooperation with Civil Society, 14 August 2015.
4. Ivan Branisavljević, Educational Centre and Mikro Art, 3 August 2015.
5. Marija Kujačić, Directorate for eGovernment, 14 August 2015.
6. Ivan Knežević, European Movement in Serbia, 17 August 2015.
7. Jovan Nicić, Anti-Corruption Agency, 20 August 2015.
8. Marijana Trifunović-Stefanović, USAID's Judicial Reform and Government Accountability Project, 19 August 2015.
9. Bojana Selaković, Citizens Initiatives, 20 August 2015.
10. Danijela Bokan, Public Procurement Office, 27 August 2015.
11. Vladimir Erceg, Belgrade Centre for Security Policy, 25 August 2015.
12. Marko Stefanović, USAID Business Enabling Project, 1 September 2015.
13. Igor Pucarević, Standing Conference of Towns and Municipalities, 2 September 2015.
14. Irina Rizmal, Centre for Euro-Atlantic Studies, 3 September 2015.
15. Raša Nedeljkov, Centre for Research Transparency and Accountability, 4 September 2015.
16. Tanja Maksić, Balkan Investigative Reporting Network, 4 September 2015.

Stakeholder consultation meeting

To gather the voices of multiple stakeholders, CEP organized one stakeholder forum. It was in Belgrade and was conducted according to a working group model. The meeting was organized in cooperation with CEAS, with the logistical support of the MPALSG in the Palace Serbia. The goal was to maintain an adequate balance: show the cooperation between the civil society, the IRM researcher, and the government toward open government, while opening a platform for constructive thinking, and providing content and recommendations for this report.

The opening speeches were given by Milena Lazarevic, CEP Senior Programme Manager, Drazen Maravic, State Secretary under the MPALSG, Jelena Milic, CEAS Director, and Marijana Trifunovic-Stefanovic of the USAID Judicial Reform and Government Accountability Project – JRGA.

The consultative meeting was split according to the four topics of the action plan: fiscal transparency, anticorruption, access to information, and citizen participation. Organizers forwarded the call for participants to media outlets, the mailing list and the website of the Office for CSOs,[2] and CEP's contact list. It was an open, public call published on the CEP website on 14 September 2015.[3] A summary of the action plan, analysis of its implementation, and a background document were distributed to the participants. The event gathered 40 representatives of civil society and foreign agencies such as UNDP and OSCE. Two representatives from the MPALSG, one from the Office for CSOs and one from the Anti-Corruption Agency attended.

The following were the participants of the IRM researcher's consultative meeting on 21 September 2015:

1. Adel Abusara, OSCE Mission in Serbia
2. Aleksa Kuzmar, Municipality Žitište
3. Aleksandar Vukalović, National Convention on the EU
4. Anja Vasiljević, Centre for the Development of the Non-Profit Sector

5. Branka Milović, Union of Judicial Experts
6. Danijela Božović, Belgrade Open School
7. Dino Jahić, Centre for Investigative Reporting
8. Đorđe Đorđević, Belgrade European Union Model
9. Dragana Brajović, Ministry of Public Administration and Local Self-Government
10. Dražen Maravić, Ministry of Public Administration and Local Self-Government
11. Dušan Šabić, Open Society Foundation
12. Gordana Đurđević, Entrepreneur Slovo / Association of Business Women
13. Igor Grujić, Education Cente
14. Irena Cerović, UNDP
15. Irena Radinović, Social Inclusion and Poverty Reduction Unit
16. Ivan Branisavljević, Education Center
17. Jelena Cvetković, OSCE
18. Jelena Ožegović, Serbian National Internet Domain Registry (RNIDS)
19. Jovan Nicić, Anti-Corruption Agency
20. Kali Rajović, Municipality Žitište
21. Leposava Kalender, Union of Judicial Experts
22. Ljiljana Uzelac, Ministry of Public Administration and Local Self-Government
23. Luka Paunović, Atlantic Council
24. Maja Kovač, Centre for Researching Public Policies
25. Mara Vlajković, SAN EKO
26. Marko Milenković, Social Science Institute
27. Milan Aleksić, Centre for Applied European Studies
28. Milena Banović, Office for Cooperation with Civil Society
29. Miloš Đajić, Centre of Modern Skills
30. Miodrag Milosavljević, Open Society Foundation
31. Nataša Čorbić, Serbia on the Move
32. Nataša Vukmirović, LINK PLUS
33. Nemanja Nenadić, Transparency Serbia
34. Nikola Dragović, Union of Judicial Experts
35. Novak Pešić, OSCE
36. Ostoja Rajić. Researchers' Union Tesla's Unity
37. Petar Žmak, Citizens Initiatives
38. Raša Nedeljkov, CRTA
39. Sonja Morokvasic, Pensioners' Society
40. Stela Strsoglavec, Educa Humana
41. Tanja Varazlić, SACEN International
42. Veselina Pelagić, Foundation for the Development of the Household
43. Vlade Satarić, Amity

Survey-based data

Due to time and budgetary constraints, the IRM researcher was not able to consult all interested or involved stakeholders. To consult a wider array of parties, the IRM researcher conceived two electronic questionnaires. The first one targeted CSOs and was forwarded to the CEP's internal contact list, and to the mailing list of the Office for CSOs on 7 August 2015. It was active until 18 September 2015. The IRM researcher collected 62 responses, out of which 20 were complete and considered in evaluating certain milestones.

The second questionnaire was intended for LSUs and was forwarded with to the SCTM's contact list of LSUs on 21August 2015. It was active until 18 September 2015. Note that in Serbia there are 174 LSUs, and the city of Belgrade is treated as a single LSU

(including municipalities, which in this analysis were not included as separate units). The IRM researcher collected 53 responses in total, out of which only 24 were complete.

Therefore, the data cannot be taken as representative of the entire population because the sample is not sufficient to extrapolate and draw generalizations. It is merely indicative of a limited number of accounts and perceptions, which were then crosscut with the assessment of the IRM researcher, the interviewees, and the contributions of the IRM researcher's consultative meeting participants.

---

[1] Full research guidance can be found in the IRM Procedures Manual, available at: http://www.opengovpartnership.org/about/about-irm.

[2] "Partnerstvo za Otvorenu Upravu – Procena Mera I Aktivnosti," Office for Cooperation with Civil Society, http://bit.ly/1Mk2qBp

[3] "Poziv na Konsultativni Sastanak Nezavisnog Mehanizma za Izvestavanje," European Policy Center, http://bit.ly/1NBhZTd

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a biannual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- Yamini Aiyar
- Debbie Budlender
- Hazel Feigenblatt
- Jonathan Fox
- Hille Hinsberg
- Liliane Klaus
- Rosemary McGee
- Gerardo Munck
- Ernesto Velasco

A small staff based in Washington, D.C. shepherds reports through the IRM process in close coordination with the IRM researcher. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

IX. Eligibility requirements

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.[1] When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the section on country context.

Criteria	2011	Current	Change	Explanation
Budget transparency[2]	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to information[3]	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration[4]	3	4	↑	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	3 (7.35) [5]	3 (7.35) [6]	No change	*EIU Citizen Engagement Index* raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	14/16 (88%)	15/16 (94%)	↑	75% of possible points to be eligible

---

[1] For more information, see http://www.opengovpartnership.org/how-it-works/eligibility-criteria.

[2] For more information, see Table 1 in http://internationalbudget.org/what-we-do/open-budget-survey/. For up-to-date assessments, see http://www.obstracker.org/

[3] The two databases used are Constitutional Provisions at http://www.right2info.org/constitutional-protections and Laws and draft laws http://www.right2info.org/access-to-information-laws.

[4] Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), http://bit.ly/19nDEfK; Organisation for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (France: OECD Publishing, 2009), 132, http://bit.ly/13vGtqS; Richard Messick, "Income and Asset Declarations: Global Experience of Their Impact on Corruption" (paper prepared for the Conference on Evidence-Based Anti-Corruption Policy organised by Thailand's National Anti-Corruption Commission (MACC) in collaboration with the World Bank, Bangkok, Thailand, 5-6 June 2009), 16, http://bit.ly/1cIokyf. For more recent information, see http://publicofficialsfinancialdisclosure.worldbank.org. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at http://bit.ly/1EjLJ4Y.

[5] The Economist, *Democracy Index 2010: Democracy in Retreat,* by the Economist Intelligence Unit (Report, London, 2010), http://bit.ly/eLC1rE

[6] The Economist, *Democracy Index 2014: Democracy and its Discontents*, by the Economist Intelligence Unit (Report, London, 2014), http://bit.ly/18kEzCt