

Independent Reporting Mechanism

Action Plan Review:
Bosnia and Herzegovina
2022–2024

Open
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Mechanism

Introduction

In January 2021, the Independent Reporting Mechanism (IRM) rolled out the new products that resulted from the IRM Refresh process.¹ The new approach builds on the lessons learned after more than 350 robust, independent, evidence-based assessments conducted by the IRM and inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

IRM products are:

- **Co-Creation Brief:** Brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design.
- **Action Plan Review:** A quick, independent technical review of the characteristics of the action plan and the strengths and challenges IRM identifies to inform a stronger implementation process.
- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product was rolled out in a transition phase in 2022, beginning with action plans ending implementation on 31 August 2022. Results Reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of the Bosnia and Herzegovina 2022–2024 action plan. The action plan comprises 10 commitments. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see Section III.

¹ “IRM Refresh,” Open Government Partnership, <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>.

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Section I: Overview of the 2022–2024 Action Plan

Bosnia and Herzegovina’s second action plan contains three promising commitments on developing an open data portal, publishing public procurement data, and enhancing the transparency of government funding for media and civil society. However, political crises adversely affected adoption of the action plan. Ongoing engagement of the multistakeholder forum despite such crises would encourage implementation and ensure oversight in collaboration with civil society.

Bosnia and Herzegovina’s (BiH) second action plan contains ten commitments. It introduces BiH’s first OGP commitment on beneficial ownership transparency, and continues the previous plan’s efforts on open data, public procurement, anti-corruption, budget transparency, and access to information. Commitments target only state-level institutions, as lower levels of government (entities) function autonomously.

The most active phase of the co-creation process took place between June and November 2021. During this period, the multistakeholder forum held meetings and drafted the action plan, met with broader civil society organizations, as well as conducted a public consultation through the eKonsultacije (www.ekonsultacije.gov.ba) platform—although the draft received no comments. In December 2021, the action plan was submitted to the Council of Ministers of Bosnia and Herzegovina which delayed adoption until the end of 2022. Decision-making in BiH was paralyzed during a severe political crisis that led to High Representative for Bosnia and Herzegovina to call for early elections in October 2022.

BiH did not meet the minimum requirements of the updated OGP Participation and Co-Creation Standards.¹ The multistakeholder advisory council, SV Initiative, did not meet during 2022, and the repository on the Ministry of Justice’s OGP webpage was not updated twice a year.² To meet OGP requirements during the implementation period, BiH needs to ensure that its multistakeholder forum convenes at least every six months and that its repository is updated at least twice a year.

AT A GLANCE

Participating since: 2014
Action plan under review: 2022–2024
IRM product: action plan review
Number of commitments: 10

Overview of commitments:
Commitments with an open government lens: 10 (100%)
Commitments with substantial potential for results: 1 (10%)
Promising commitments: 3

Policy areas:
Carried over from previous action plans:

- Open data
- Public procurement
- Anti-corruption
- Budget transparency
- Access to information

Emerging in this action plan:

- Beneficial Ownership

Compliance with OGP minimum requirements for co-creation:
Acted according to OGP process: No

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Three promising commitments in this action plan are aimed at improving access to government information. Commitment 1 intends to establish BiH's first centralized government open data portal. This would streamline access to information that is currently scattered across government websites, including data which were previously not published in open data format, and could pave the way for widening information disclosure in the future. Commitment 6 plans to proactively publish information on the national public procurement portal (www.ejn.gov.ba) in an open data format, which would improve its use in public monitoring. Commitment 9 seeks to establish voluntary criteria encouraging state-level government institutions to publish information on public funding allocated to media and civil society organizations on an official online portal. Improving funding transparency could help reduce misallocation of funds and strengthen civil society independence.³

The remaining commitments also offer opportunities for incremental progress, but do not envisage substantial changes to existing government practices. Commitments 7 and 10 envisage websites for government agencies focused on anti-corruption and gender equality, and Commitment 8 aims to publish government integrity plans online. Their potential for results could improve by establishing feedback mechanisms that engage citizens' participation to strengthen the accountability of respective agencies. For commitments that intend to raise awareness on beneficial ownership, agency budgets, and government statistics (3–5), implementers can plan for next steps that initiate concrete policy reforms. Additionally, aimed at introducing new government information disclosure practices, Commitment 2 could consider adding sanctions for non-compliance to achieve intended progress across government agencies.

Political instability and stalemate on important policy issues may complicate or delay implementation of the action plan. The EU's BiH 2022 Report mentions that lack of political support hinders coordinated implementation of reforms at all levels of government.⁴ This is an ongoing issue in BiH, having also delayed the adoption of the action plan in two consecutive cycles. While stakeholders are aware of these circumstances, absence of state budget allocation for action plan implementation would leave them largely reliant on external donors, and again risk delaying implementation.

¹ "2021 OGP Participation and Co-Creation Standards," Open Government Partnership, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

² The repository is updated when there are updates from the multistakeholder forum. As the forum did not meet in 2022, the repository was not updated.

³ This is explained in Section II: Promising Commitments.

⁴ "Bosnia and Herzegovina Report 2022," European Commission, 12 October 2022, https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2022_en.

Section II: Promising Commitments in Bosnia and Herzegovina 2022–2024 Action Plan

The following review looks at the three commitments that the IRM identified as having the potential to realize the most promising results. Promising commitments address a policy area that is important to stakeholders or the national context. They must be verifiable, have a relevant open government lens, and have modest or substantial potential for results. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

Table 1. Promising commitments

| Promising Commitments |
|--|
| 1. Coordination of the open data ecosystem development: This commitment intends to establish BiH's first centralized government open data portal, streamlining access to information that is currently scattered across government websites. It could pave the way for widening information disclosure in the future. |
| 6. Open data on public procurement: This commitment plans to proactively publish information on the national public procurement portal (www.ejn.gov.ba) in an open data format, which would improve its usability for accountability purposes. |
| 9. Improving budget allocation transparency: This commitment seeks to reduce misallocation of public funds by establishing voluntary criteria to encourage government institutions to publish information on public funding allocated to media and civil society organizations on an official online portal. |

Commitment 1: Coordination of the open data ecosystem development

Council of Ministers of BiH General Secretariat, Ministry of Finance and Treasury of BiH, Indirect Taxation Authority of BiH, Agency for Statistics of BiH, Public Procurement Agency of BiH, Agency for the Prevention of Corruption and Coordination of the Fight against Corruption, Agency for Identification Documents, Registers and Data Exchange of BiH, Central Election Commission of BiH, Transparency International BiH, Zašto ne, Public Interest Advocacy Centre

For a complete description of the commitment, see Commitment 1 in Bosnia and Herzegovina's 2022–2024 action plan: <https://www.opengovpartnership.org/documents/bosnia-and-herzegovina-action-plan-2022-2024-december/>.

Context and objectives

The BiH government does not currently have a centralized open data portal on which public institutions can publish datasets. In 2023, the Open Data Inventory (ODIN) ranked BiH 106th out of 193 countries, indicating gaps in the openness and coverage of most data categories in line with international standards, although economic statistics data was more consistent.¹ BiH's action plan states that while there are no specific documents on data management and protection, there is a comprehensive regulatory and financial framework for data disclosure as part of the public administration reform process.² The action plan notes that while the demand is modest, there is a significant increase in public interests on open data.

As such, this commitment seeks to establish an online open data portal. The key goals are to make public administration data more easily available and increase its use. The commitment

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also includes activities to raise awareness among civil society and public officials—at both state and lower levels of government—to encourage publication on the platform. The Public Administration Reform Coordinator's Office (PARCO) proposed this commitment, emerging from its strategic framework for public administration reform.³

Potential for results: Substantial

According to a PARCO representative, the Agency for Statistics is the only institution that regularly publishes new data.⁴ Similarly, a civil society representative echoes that public institutions publish very few data—of which most are not machine-readable and difficult to access due to low user-friendliness.⁵ The Western Balkan Civil Society Empowerment for a Reformed Public Administration (WeBER) argues that lack of a unified database is one of the reasons for the discrepancies.⁶

Creating a centralized database for open data could deliver substantial early results for Bosnia and Herzegovina on developing an open data ecosystem, with broad scope to raise the ambition level of the commitment during implementation. A PARCO representative states that institutions invited to participate in the commitment would initially publish data that are already publicly available on their websites while gradually expanding the coverage.⁷

The action plan specifies that some datasets would be published in open data format on the new portal during implementation period. Annex 2 of PARCO's 2020 Open Data Readiness Assessment in BiH report identifies seven datasets from institutions that could be transferred to a centralized open data portal and a further 42 that could be considered.⁸ Civil society representatives have also expressed interest in financial data (currently not always published in open formats) and standard statistical data, emphasizing the importance of the data being made available in searchable and open formats.⁹

Institutions that would initially publish data on the open data portal include the Council of Ministers of BiH General Secretariat, the Ministry of Finance and Treasury of BiH, the Administration for Indirect Taxation of BiH, the Agency for Statistics BiH, the Agency for Public Procurement of BiH, the Agency for Prevention of Corruption and Coordination of the Fight Against Corruption, the Agency for Identification Documents, the Registers and Data Exchange of BiH, and the Central Election Commission.¹⁰ In the long term, PARCO expects that the portal would be available to agencies at all administrative levels, further expanding transparency.¹¹

A PARCO representative argues that a centralized portal would make it easier for citizens to access and search data. In an otherwise institutionally complicated state, this would be highly beneficial to data users. While beyond the scope of this commitment, the stakeholders added that the portal could also be used to proactively publish information that is often requested—and sometimes incur fees—in the future. Furthermore, they say that data centralization will also improve data reusability and interoperability with third-party platforms.¹² Civil society representatives explain that the commitment could lead to the disclosure of new information and data that could be used by media, civil society, and the public.¹³

Opportunities, challenges, and recommendations during implementation

There are clear opportunities for improved accessibility in the way data is published, and improving the open and reusable nature of data that is held by public institutions. However, PARCO and civil society representatives already identified a problem related to lack of personnel with the technical capacity to transfer existing data to open format.¹⁴ They also say the lack of

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metadata and standards set a challenge to data publication on the portal. A civil society representative adds that many technical requirements (such as e-signature application) need to be resolved before the portal could be launched.¹⁵

According to WeBER, obstacles to open data include lack of IT expertise, lack of understanding of data regulation, and absence of an overarching governing body on open data.¹⁶ While PARCO prefers for the General Secretariat of the Council of Ministers of BiH to assume the responsibility through its e-government department, there is lack of clarity on the extent of the department's capacity.¹⁷

To address these limitations and enhance the results of implementation, the IRM recommends:

- **PARCO could provide training to an expanded number of government agencies to encourage proactive publishing of data.** PARCO could provide training sessions for officials on the benefits of the new portal, as well as expectations and best practices for data management and disclosure. PARCO officials could also look at relevant practices in other countries. Lithuania, for example, has introduced on its portal a guidance for public sector institutions to inventory and prioritize data for publication while ensuring compliance with open data standards.¹⁸
- **In collaboration with civil society, PARCO could co-create a timetable for the development of the portal.** This timetable could set out a clear methodology for data inclusion into the portal, deadlines for implementation, and also a timeframe for developing a strategy to generate new data. This would help give the portal a proactive sense and clearer activities beyond the action plan's scope, which may also aid in securing funding—as indicated in the next recommendation.
- **Public institutions need to secure funding for sustainable implementation and maintenance of the portal.** PARCO—or any other designated institutions responsible for the portal—will need to secure and devote permanent funding to ensure its ongoing success. The funding could be used to upgrade government IT systems and improve compatibility with open data policies. It is also important for the data to be published in compliance with EU acquis.
- **PARCO could engage with civil society and the public** to promote the use of the portal to monitor government agencies. Civil society participation is important in defining standards, priorities, and use of the data. To do so, the stakeholders could develop a feedback mechanism that engages citizen participation to strengthen accountability. This may include public reporting of missing datasets, or proactive coding or naming of public institutions which do not comply with the minimum requirements of data disclosure. Going further, BiH could take inspiration from countries such as Tunisia and Costa Rica to develop an open data strategy in partnership with civil society.¹⁹

Commitment 6: Open data on public procurement

Public Procurement Agency

For a complete description of the commitment, see Commitment 6 in Bosnia and Herzegovina's 2022–2024 action plan: <https://www.opengovpartnership.org/documents/bosnia-and-herzegovina-action-plan-2022-2024-december/>.

Context and objectives

The Freedom House reported that many BiH public procurement contracts are awarded in secret,²⁰ while the European Commission found procurement process and contract implementation to be prone to irregularities and vulnerable to corruption.²¹ Based on civil society reports, approximately 9 out of every 10 public procurement processes have corrupt elements.²² A 2021 report by the Office for the Audit of the Institutions of Bosnia and Herzegovina showed that BiH institutions did not undertake sufficient measures to establish an efficient public procurement system, therefore damaging citizens' trust in government and failing to use of taxpayers' money efficiently.²³

With the aim of increasing transparency and reducing corruption, this commitment seeks to publish all public procurement data collected through the national public procurement portal (www.ejn.gov.ba) in open data format. This builds on a commitment in the previous action plan aimed at publishing all BiH public procurement data, which saw limited implementation due to lack of funding and legislative support for reform.²⁴ For this commitment, a Public Procurement Agency official confirmed that funding has been approved and that they are using a technical solution to overcome the legislative barriers identified in the previous cycle.²⁵

Potential for results: Modest

Implementation of the commitment would increase transparency by facilitating easier access to existing procurement information, which would be proactively published in an open format. According to a Public Procurement Agency official, procurement information is highly requested by civil society, media, and international organizations.²⁶

The commitment could also help to report cases of corruption or abuse in public procurement, as monitoring and watchdog organizations would find it easier to download, filter, and search procurement data. In the status quo, citizens rely on information request mechanism and manual search to extract relevant procurement data. A civil society representative said that compliance with open data format would be a step forward to simplify the process of downloading and filtering information for reuse and investigation.²⁷

This commitment has modest potential for results on improving public procurement transparency. While more procurement information would be made publicly available as open data, a civil society representative shared that much of the information was already available—albeit not in open data format and/or require official information requests²⁸ They expressed a concern that the government will only provide information on past procurement tenders, as disclosing information of ongoing tenders would require an amendment to the Public Procurement Act.²⁹

Opportunities, challenges, and recommendations during implementation

Both government and civil society stakeholders were optimistic about completing implementation of the commitment as a technical solution has been found to address the

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previous legislative barrier, approvals for implementation are concluded, and funding was finally approved in July 2022.³⁰ A civil society representative expressed concerns that the reform would reduce public access to the portal.³¹ However, public officials have confirmed that this is not the case, since any currently available information will continue to be so.³² A procurement agency official stated that the commitment would not be able to directly address questionable activities in some procedural issues that arise during electronic auctions—such as overturn of bids, rejection of offered contracts, and/or dealings between bidders.³³

The IRM recommends implementers of this commitment to do the following:

- **Ensure all data are published in accordance with the Open Contracting Data Standard.**³⁴ Make data interoperable with other systems—such as government spending data—and update the portal to meet the public procurement principles included in Chapter 5 of EU acquis. The Public Procurement Agency could ensure that the published data are available in multiple formats to ease reuse and analysis by third parties. Finland’s e-procurement portal is a good example noted for its user-friendly design.³⁵
- **Systematically include participation by civil society organizations** in commitment implementation oversight. The Public Procurement Agency could benefit from identifying and consulting stakeholders before developing the open data format to better understand user demands. They could take measures to encourage utilization of the data by establishing feedback mechanisms which give citizens an opportunity to demand action, such as through auditing, tagging system, and/or reporting via hotlines. Latvia, for example, introduced an automated tagging system of procurement process suspected of irregularity.³⁶ In Ukraine, the Dozorro mechanism created a community of active citizens and watchdogs to monitor procurement contracts and processes.³⁷ In Italy, OpenCoesione provides citizens with similar oversight and monitoring platform.³⁸
- **Set long-term ambition for this policy area** to allow information of ongoing tenders to be made available in open format. Although the commitment seeks to enhance transparency of completed procurement processes, long-term goals could enhance transparency of the contracting process through real-time publication of information. This may require a considering amendments to the Public Procurement Act.

Commitment 9: Improving budget allocation transparency

*Agency for the Prevention of Corruption and Coordination of the Fight against Corruption,
Ministry of Finance and Treasury*

For a complete description of the commitment, see Commitment 9 in Bosnia and Herzegovina’s 2022–2024 action plan: <https://www.opengovpartnership.org/documents/bosnia-and-herzegovina-action-plan-2022-2024-december/>.

Context and objectives

This commitment seeks to establish voluntary criteria to encourage state-level government institutions to proactively publish the amount and purpose of public funding allocated to media and civil society organizations. It would also introduce voluntary criteria for media and civil society organizations to disclose the use of those funds with clear description publicly. The commitment stemmed from the proactive transparency commitment in the previous action plan.³⁹ Civil society and the Agency for the Prevention of Corruption and Coordination of the

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Fight against Corruption (APCCFC) consider questionable discretionary funding by government institutions to be a priority issue within the scope of this commitment.⁴⁰

In 2020–2021, BiH government disbursed EUR 61.5 million to civil society organizations.⁴¹ Much of these funds were allocated to sport clubs, veteran organizations, and religious communities. Almost half was distributed at the local level although only 3% of the funds were provided by state-level governments.⁴² In 2020, the Council of Ministers adopted the Rulebook on the Criteria for Financing and Co-Financing Projects in Areas of Public Interest Implemented by Associations and Foundations.⁴³ However, it is not clear whether the voluntary criteria developed through this commitment would be based on the rulebook.

A 2021 survey found only 3.5% of civil society organizations in BiH believed government allocation of funds was transparent.⁴⁴ The BiH OGP point of contact notes that there is no data available on the actual size of funds allocated by the government⁴⁵ as many institutions do not publish detailed information about civil society funding⁴⁶ or offer clear justification for funding decisions, resulting in lack of accountability and suspicion of politically-motivated allocation,⁴⁷ especially at the local level.⁴⁸ A civil society report stated that some civil society organizations act less and less as watchdogs or monitors,⁴⁹ while an APCCFC representative said budget allocation for media and civil society organizations remains a grey area that creates space for discretionary decisions and could lead to misuse of public funds.⁵⁰

The APCCFC representative reported that this commitment would produce clear criteria to disclose allocation of budget plans, public tenders, public notices, and budget implementation report from government and civil society alike.⁵¹ Transparency International BiH confirmed that the criteria would define the entire budget allocation and decision-making processes—from the election of a committee to the identification of potential conflicts of interests—which are linked to the government’s integrity plans.⁵² However, this would target state-level institutions, which make up only a small portion of government funding for civil society and media organizations. They also reported about plans to develop an online portal to publish a database of government information and documents.⁵³ Media and civil society organizations are expected to publish data of the budget allocation and implementation on their websites as well.

Prior to the commitment, Transparency International BiH published a repository monitoring the distribution of public funds to associations and foundations registered in the country.⁵⁴ However, these data are collected via information requests, official gazettes, public procurement databases, and manual search of government websites.⁵⁵ As a result, they are not exhaustive and may not be accurate. By developing the online portal, this commitment could improve the quality of budget allocation information available to the public.

Potential for results: Modest

Transparency International BiH notes that the planned criteria would not be mandatory,⁵⁶ meaning the potential for results from implementing this commitment are modest. Civil society organizations and the anti-corruption agency will discuss the criteria for proactive disclosure and consult state institutions such as the Ministry of Justice and the Ministry of Finance of BiH, to encourage implementation. A representative noted that the APCCFC is confident about the adoption of the criteria, but expect interactions between institutions to initially be negative or even hostile. This could potentially delay implementation while they convince government institutions about the importance and necessity of disclosing this information.⁵⁷

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Successful uptake of these criteria could generate modest improvement to public funds transparency at the state level, which could indirectly reduce the misuse of funding and strengthen the independence of civil society and media projects. However, its impact would depend on the ability of citizens to access information on budget and spending decisions and allocations by all state-level institutions.

Opportunities, challenges, and recommendations during implementation

The main concerns regarding this commitment implementation include unclear institutional responsibility to manage and maintain the procurement database and its voluntary nature. Currently, it is a choice between the Ministry of Finance or the APCCFC—the latter of which has begun preparing to hold discussions with other public institutions to explain the discrepancies in their budget implementation reports within the scope of this commitment.⁵⁸ Lack of institutional understanding and proactive implementation could derail the commitment from achieving its desired results.

As such, the IRM suggests the following actions to benefit implementation:

- **Systematically include participation by civil society organizations** in commitment implementation oversight, including in the development of the voluntary criteria and data portal. Implementers need to ensure that this commitment’s activities do not restrict civil society from operating effectively and contributing positively to their independence. Collaboration with civil society in developing the voluntary criteria could address questions regarding frequency and timeliness of information updates, as well as the adoption of open data format and disclosure of comparable datasets.
- **Develop a state-level engagement strategy to build compliance** with the criteria across institutions. Given its voluntary nature, sanctions for non-compliance would be limited. As such, it may be necessary to create incentives by, for example, recognizing those that perform well through institutional awards or publishing digestible information in compliance with the criteria. It would also be important to assess whether sanctions would be effective in encouraging greater compliance and deterring non-compliance. Estonia’s experience in developing a public online monitoring tool to enable citizens to compare the performance of local municipalities within a specific range of domains—from the provision of communal and social services to open government practices—could be useful for reference.⁵⁹
- **The APCCFC could conduct outreach to lower-level government institutions** to encourage the disclosure of information on the allocation of public funds for civil society and media organizations. Given that almost half of the funding for civil society and media organizations are distributed at the local level, this could have a strong impact on overall transparency.

Other Commitments

Other commitments that the IRM did not identify as promising commitments are discussed below. This review provides recommendations to contribute to the learning and implementation of these commitments.

Commitment 2 on improving transparency of BiH government institutions has unclear potential for results. While the objective of the commitment continues a relevant commitment in the previous action plan, there are no sanctions for non-compliance. The commitment relies on the use of survey data to encourage institutions to increase their proactive transparency efforts. Representatives from civil society recognize that the situation is improving, but that it is

necessary to expand the existing standards, as well as increase institutional capacity and expertise on making more information publicly available.⁶⁰

Commitment 3 on raising awareness about beneficial ownership transparency among civil society organizations also has unclear potential for results. A Ministry of Justice representative says that this commitment constitutes a small step toward setting up a beneficial ownership registry.⁶¹ Greater steps are needed to update the anti-money laundering legislation and avoid BiH being listed by the Financial Action Task Force as a jurisdiction under increased monitoring for strategic anti-money laundering deficiencies.⁶² While acknowledging the commitment's limited ambition level, civil society representatives note the potential benefits of learning more about beneficial ownership issues.⁶³

Commitment 4 carries forward a commitment from the previous action plan aimed at introducing 'budget for citizens' from only one (currently) to ten additional institutions.⁶⁴ While it represents a positive development on transparency, this commitment has modest potential for results, since civil society organizations do not see it being able to expand citizen participation in budget planning and implementation.⁶⁵ A Ministry of Finance of BiH official stated that in accordance with the Conclusion of the BiH Council of Ministers on the Policy of Proactive Transparency, the institutions of BiH are required to publish the request for the allocation of funds from the budget.⁶⁶ This would increase the likelihood of the commitment to be replicated at other levels of government through standardization of reporting methodology and publication of budget data across institutions and levels. Additionally, it is important to ensure that the information is made available in open data format.

Commitment 5 similarly continues an initiative started in the previous action plan cycle to publish statistics and hold educational workshops on using and interpreting statistics. Civil society organizations are encouraged by the leadership of the Agency of Statistics to be involved in this commitment and confident with its potential impact.⁶⁷ The IRM has assigned this commitment with modest potential for results based on the milestones of enriching data with basic interpretation, helping to tackle the misuse of employment figures, population census, and foreign trade values data.⁶⁸

Commitment 7 is aimed at consolidating anti-corruption information at all levels of government. It is a positive development in centralizing access to public data in what is an otherwise complicated distribution of competencies.⁶⁹ The website would contain basic data on the strategic and normative frameworks (including internal by-laws and financial rules), regular and project-based activities, plus data on aid and support from international and civil society organizations.⁷⁰ The commitment has unclear potential for results as it does not provide clear details regarding implementation plan and impact. Publication of audit reports or judicial decisions could also be useful in fighting corruption and ensuring public oversight.⁷¹

Commitment 8 on digitizing the integrity plan development process is a continuation of another commitment in the previous action plan. It has modest potential for results as the digitization and publication of integrity plans would help enable public oversight of the measures to tackle integrity issues in government institutions. While preventive measures could be comparable across institutions and adequate in scope, civil society highlighted the need for government institutions to publicly report the implementation of the integrity plan.⁷²

Commitment 10 on improving the website of the Agency for Gender Equality has modest potential for results. It could help the agency to better fulfill its mandates of supporting and providing information on gender equality issues. While the agency has very limited capacity, it is important to ensure that information published on the website are easily accessible, user-friendly, and generated in open data format to maintain sustainability of implementation.

¹ "Bosnia and Herzegovina," Open Data Inventory, accessed 14 July 2023, <https://web.archive.org/web/20230321151330/https://odin.opendatawatch.com/Report/countryProfileUpdated/BIH?year=2022>. While the information was available at the time of writing this review in early 2023, the ODIN 2022/23 data and report has since been taken offline until July 2023 in preparation for submitting data to the United Nations Statistics Division.

² There are no links to evidence of these frameworks relating to data opening.

³ Selma Džihanović-Gratz (Ministry of Judiciary), interview by IRM researcher, 15 March 2023; Leila Bičakčić (Centre for Investigative Reporting – CIN), interview by IRM researcher, 22 March 2023; Emsad Dizdarević (Transparency International), interview by IRM researcher, 22 March 2023; Mubera Begić (Public Administration Reform Coordinator's Office – PARCO), interview by IRM researcher, 23 March 2023; Vedraba Faladžić (Public Administration Reform Coordinator's Office – PARCO), interview by IRM researcher, 23 March 2023.

⁴ Faladžić, interview.

⁵ Bičakčić, interview.

⁶ Emina Kuhinja & Haris Cutahija, "Addressing the Lack of Open Data in Bosnia and Herzegovina," Western Balkan Civil Society Empowerment for a Reformed Public Administration (2021), <https://www.par-monitor.org/addressing-the-lack-of-open-data-in-bosnia-and-herzegovina/>.

⁷ Begić, interview.

⁸ "Procjena spremnosti za otvorene podatke u Bosni i Hercegovini," [Open Data Readiness Assessment in BiH], PARCO, December 2020, https://parco.gov.ba/wp-content/uploads/2020/12/Procjena-spremnosti-za-otvorene-podatke_EN.pdf.

⁹ Bičakčić, interview; Dizdarević, interview; Darko Brkan (Zašto ne), interview by IRM researcher, 28 March 2023.

¹⁰ Begić, interview.

¹¹ Begić, interview.

¹² Begić, interview.

¹³ Dizdarević, interview; Brkan, interview.

¹⁴ Begić, interview; Bičakčić, interview.

¹⁵ Dizdarević, interview.

¹⁶ Kuhinja & Cutahija, "Addressing the Lack of Open Data in Bosnia and Herzegovina."

¹⁷ Faladžić, interview.

¹⁸ "Lithuania - Open Data (LT0024)," Open Government Partnership, <https://www.opengovpartnership.org/members/lithuania/commitments/LT0024/>.

¹⁹ "Tunisia - Open Data Framework (TN0037)," Open Government Partnership, <https://www.opengovpartnership.org/members/tunisia/commitments/tn0037/>; "Costa Rica - Open Data Policy (CR0024)," Open Government Partnership, <https://www.opengovpartnership.org/members/costa-rica/commitments/cr0024/>.

²⁰ "Bosnia and Herzegovina," in *Freedom in the World 2022*, Freedom House, <https://freedomhouse.org/country/bosnia-and-herzegovina/freedom-world/2022>.

²¹ "Bosnia and Herzegovina Report 2022," European Commission, 12 October 2022, https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2022_en.

²² "Javne Nabavke: Kako se u BiH redovno krade na tenderima i zašto su tužiocima 'vezane ruke'," [Pratimo Tendere, Public Procurement: How tenders are regularly stolen in BiH and why prosecutors' hands are tied], 4 May 2022, <https://pratimotendere.ba/bs-Latn-BA/articles/5415/javne-nabavke-kako-se-u-bih-redovno-krade-na-tenderima-i-zasto-su-tuziocima-vezane-ruke>.

²³ "Izvešće revizije učinka: Problemi i nedostaci institucija bosne i hercegovine u sustavu javnih nabava," [Performance Audit Report: Problems and shortcomings of the institutions of Bosnia and Herzegovina in the public procurement system], Audit Office of the Institutions of Bosnia and Herzegovina, December 2021, <http://www.revizija.gov.ba/Content/OpenAttachment?Id=028f7eae-3164-4a48-bfe4-7c6e7c5b16cc&langTag=hr>.

- ²⁴ "Bosnia and Herzegovina Transitional Results Report 2019–2021," Open Government Partnership, 10 June 2022, <https://www.opengovpartnership.org/documents/bosnia-and-herzegovina-transitional-results-report-2019-2021/>.
- ²⁵ Dario Kihli (Public Procurement Agency), interview by IRM researcher, 23 March 2023.
- ²⁶ Kihli, interview.
- ²⁷ Dizdarević, interview.
- ²⁸ Dizdarević, interview.
- ²⁹ Kihli, interview.
- ³⁰ Kihli, interview; Dizdarević, interview.
- ³¹ Bičakčić, interview.
- ³² Kihli, interview; Bičakčić, interview.
- ³³ Kihli, interview.
- ³⁴ "Open Contracting Standard," Open Contracting Partnership, <https://standard.open-contracting.org/latest/en/>.
- ³⁵ "Open Procurement Finland," Ministry of Finance of Finland, <https://openprocurement.fi/>.
- ³⁶ "Latvia - Transparency in Public Procurement and Contracts (LV0040)," Open Government Partnership, <https://www.opengovpartnership.org/members/latvia/commitments/LV0040/>.
- ³⁷ "Through the Power of the People: Empowering Citizen Watchdogs," Open Government Partnership, last updated 15 July 2022, <https://www.ogpstories.org/through-the-power-of-the-people-empowering-citizen-watchdogs/>.
- ³⁸ "OpenCoesione," OpenCoesione Italia, <https://opencoesione.gov.it/en/>.
- ³⁹ Mevludin Džindo (Agency for the Prevention of Corruption and Coordination of the Fight against Corruption), interview by IRM researcher, 21 March 2023.
- ⁴⁰ Brkan, interview.
- ⁴¹ "Vlasti u BiH troše milione javnog novca na finansiranje sumnjivih organizacija," [The authorities in Bosnia and Herzegovina spend millions of public money on financing dubious organizations], Aljazeera, 7 February 2022, <https://balkans.aljazeera.net teme/2022/2/7/vlade-u-bih-trose-milione-javnog-novca-na-finansiranje-sumnjivih-organizacija>.
- ⁴² "2021 Civil Society Organization Sustainability Index for Central and Eastern Europe and Eurasia," FHI360 et al., January 2023, <https://www.fhi360.org/sites/default/files/media/documents/csosi-europe-eurasia-2021-report.pdf>.
- ⁴³ "2021 Civil Society Organization Sustainability Index for Central and Eastern Europe and Eurasia," FHI360 et al.
- ⁴⁴ "2021 Civil Society Organization Sustainability Index for Central and Eastern Europe and Eurasia," FHI360 et al.
- ⁴⁵ Džihanović-Gratz, interview.
- ⁴⁶ "2021 Civil Society Organization Sustainability Index for Central and Eastern Europe and Eurasia," FHI360 et al.
- ⁴⁷ "Vlasti u BiH troše milione javnog novca na finansiranje sumnjivih organizacija," [The authorities in Bosnia and Herzegovina spend millions of public funds on financing dubious organizations], Aljazeera.
- ⁴⁸ "2021 Civil Society Organization Sustainability Index for Central and Eastern Europe and Eurasia," FHI360 et al.
- ⁴⁹ "Novi izbori i novi načini netransparentnog finansiranja organizacija civilnog društva," [New elections and new ways of non-transparent financing of civil society organizations], Center for Civil Society Promotion, 6 June 2022, <https://civilnodrustvo.ba/novi-izbori-i-novi-nacini-netransparentnog-financiranja-organizacija-civilnog-drustva/>.
- ⁵⁰ Džindo, interview.
- ⁵¹ Džindo, interview.
- ⁵² Dizdarević, interview.
- ⁵³ Džindo, interview.
- ⁵⁴ "Monitoring the distribution of public funds to associations and foundations in Bosnia and Herzegovina," Transparency International Bosnia and Herzegovina, <https://nvo.transparentno.ba/>.
- ⁵⁵ "Monitoring the distribution of public funds to associations and foundations in Bosnia and Herzegovina," Transparency International Bosnia and Herzegovina.
- ⁵⁶ Dizdarević, interview.
- ⁵⁷ Džindo, interview.
- ⁵⁸ Džindo, interview.
- ⁵⁹ "Estonia - Presentation of Local Public Services (EE0052)," Open Government Partnership, <https://www.opengovpartnership.org/members/estonia/commitments/EE0052/>.
- ⁶⁰ Dizdarević, interview; Brkan, interview; Bičakčić, interview.
- ⁶¹ Džihanović-Gratz, interview.
- ⁶² "Bosnia and Herzegovina Report 2022," European Commission.
- ⁶³ Dizdarević, interview; Brkan, interview; Bičakčić, interview.
- ⁶⁴ Džihanović-Gratz, interview.
- ⁶⁵ Bičakčić, interview; Dizdarević, interview.
- ⁶⁶ Halida Pašić (Ministry of Finance and Treasury of BiH), comments provided to IRM in prepublication period, 4 July 2023.
- ⁶⁷ Bičakčić, interview; Dizdarević, interview; Brkan, interview.

⁶⁸ Alen Mrgud (Agency for Statistics), interview by IRM researcher, 21 March 2023.

⁶⁹ Dizdarević, interview.

⁷⁰ Džindo, interview.

⁷¹ Brkan, interview.

⁷² Bičakčić, interview; Dizdarević, interview.

Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation. It is intended as a quick, independent, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The IRM highlights commitments that have the highest potential for results, a high priority for country stakeholders, a priority in the national open government context, or a combination of these factors.

The IRM follows a filtering and clustering process to identify promising reforms or commitments:

Step 1: Determine what is reviewable based on the verifiability of the commitment as written in the action plan.

Step 2: Determine if the commitment has an open government lens. Is it relevant to OGP values?

Step 3: Review commitments that are verifiable and have an open government lens to identify if certain commitments need to be clustered. Commitments that have a common policy objective or contribute to the same reform or policy issue should be clustered. The potential for results of clustered commitments should be reviewed as a whole. IRM staff follow these steps to cluster commitments:

- a. Determine overarching themes. If the action plan is not already grouped by themes, IRM staff may use OGP's thematic tagging as reference.
- b. Review commitment objectives to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments into clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms.

Step 4: Assess the potential for results of the clustered or standalone commitment.

Filtering is an internal process. Data for individual commitments is available in Annex 1. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by IRM's International Experts Panel (IEP).

As described earlier, IRM relies on **three key indicators** for this review:

I. Verifiability

- **Yes, specific enough to review:** As written in the action plan, the stated objectives and proposed actions are sufficiently clear and include objectively verifiable activities to assess implementation.
- **No, not specific enough to review:** As written in the action plan, the stated objectives and proposed actions lack clarity and do not include explicitly verifiable activities to assess implementation.
- Commitments that are not verifiable will be considered not reviewable, and further assessment will not be carried out.

II. Open government lens

This indicator determines if the commitment relates to the open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration and the OGP Articles of Governance by responding to the following guiding questions. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will the government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

III. Potential for results

The IRM adjusted this indicator—formerly known as the “potential impact” indicator—to take into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, the IRM modified this indicator to lay out the expected results and potential that would be verified in the IRM Results Report after implementation. Given the purpose of this Action Plan Review, the assessment of potential for results is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** A positive but standalone initiative or change to processes, practices, or policies. The commitment does not generate binding or institutionalized changes across government or institutions that govern a policy area. Examples are tools (e.g., websites) or data release, training, or pilot projects.
- **Substantial:** A possible game changer for practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Ivona Mendes and was externally expert reviewed by German Emanuele. The IRM methodology, quality of IRM products, and

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review process are overseen by IRM’s IEP. For more information, see the IRM Overview section of the OGP website.¹

¹ “IRM Overview,” Open Government Partnership, <https://www.opengovpartnership.org/irm-guidance-overview/>.

Annex 1. Commitment by Commitment Data¹

| |
|--|
| Commitment 1: Coordination of the open data ecosystem development |
| <ul style="list-style-type: none">• Verifiable: Yes• Does it have an open government lens? Yes• Potential for results: Substantial |
| Commitment 2: Improving transparency in the institutions of BiH |
| <ul style="list-style-type: none">• Verifiable: Yes• Does it have an open government lens? Yes• Potential for results: Unclear |
| Commitment 3: Raising awareness and familiarizing civil society organizations with the importance of beneficial ownership issues |
| <ul style="list-style-type: none">• Verifiable: Yes• Does it have an open government lens? Yes• Potential for results: Unclear |
| Commitment 4: Improving budget transparency |
| <ul style="list-style-type: none">• Verifiable: Yes• Does it have an open government lens? Yes• Potential for results: Modest |
| Commitment 5: Increasing the availability and use of statistics |
| <ul style="list-style-type: none">• Verifiable: Yes• Does it have an open government lens? Yes• Potential for results: Modest |
| Commitment 6: Open data on public procurement |
| <ul style="list-style-type: none">• Verifiable: Yes• Does it have an open government lens? Yes• Potential for results: Modest |
| Commitment 7: Establishing an anti-corruption e-platform in BiH |
| <ul style="list-style-type: none">• Verifiable: Yes• Does it have an open government lens? Yes• Potential for results: Unclear |
| Commitment 8: Digitization of anti-corruption |
| <ul style="list-style-type: none">• Verifiable: Yes• Does it have an open government lens? Yes• Potential for results: Modest |

Commitment 9: Improving budget allocation transparency

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 10: Establishing the system for exchanging information with the citizens of BiH and increasing the transparency of information on the website

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

¹ Editorial notes:

1. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Bosnia and Herzegovina’s action plan: <https://www.opengovpartnership.org/documents/bosnia-and-herzegovina-action-plan-2022-2024-december/>

Annex 2: Action Plan Co-Creation

OGP member countries are encouraged to aim for the full ambition of the updated OGP Participation and Co-Creation Standards that came into force on 1 January 2022.¹ IRM assesses all countries that submitted action plans from 2022 onward under the updated standards. OGP instituted a 24-month grace period to ensure a fair and transparent transition to the updated standards. During this time, IRM will assess countries' alignment with the standards and compliance with their minimum requirements.² However, countries will only be found to be acting contrary to the OGP process if they do not meet the minimum requirements, starting with action plans submitted to begin in 2024 and onward. Table 2 outlines the extent to which the countries' participation and co-creation practices meet the minimum requirements that apply during development of the action plan.

Table 2. Compliance with minimum requirements

| Minimum requirement | Met during co-creation? | Met during implementation? |
|---|-------------------------|---|
| 1.1 Space for dialogue: The Advisory Council of the Open Government Partnership Initiative (known as 'SV Initiative OGP'), serves as BiH OGP multistakeholder forum. They met three times during co-creation between July and December 2021, but did not meet again until December 2022, while it was waiting for the Council of Ministers to approve the plan. ³ Basic rules of participation are available on PARCO website. ⁴ | No | <i>To be assessed in the Results Report</i> |
| 2.1 OGP website: During co-creation, but there is no evidence of BiH OGP website (www.ogp.ba) containing information about the co-creation process for the 2022–2024 action plan. ⁵ Alternatively, current and past action plans as well as relevant reports, minutes of multistakeholder meetings, and brief description of the co-creation process were published on a dedicated OGP section on the Ministry of Justice website. ⁶ | Yes | <i>To be assessed in the Results Report</i> |
| 2.2 Repository: Current and past action plans, relevant reports, and minutes of multistakeholder meetings were published on the Ministry of Justice website. ⁷ However, it was not updated twice a year as recommended during co-creation. It was last updated on 28 April 2022. | No | <i>To be assessed in the Results Report</i> |
| 3.1 Advanced notice: There is no evidence that the co-creation timeline was made publicly available two weeks in advance of its start. | No | Not applicable |
| 3.2 Outreach: Outreach activities were held to raise awareness on OGP and opportunities to get | Yes | Not applicable |

| | | |
|---|----------------|---|
| involved in developing the action plan. In July 2021, Transparency International BiH and the Ministry of Justice of hosted a workshop in the Garden City Hotel in Konjic. ⁸ Following online consultations, ⁹ the advisory council presented the action plan's preliminary draft on 20 December 2021 in Sarajevo to a wider group of civil society organizations. | | |
| 3.3 Feedback mechanism: Stakeholders' inputs were gathered through SV Initiative meetings and the two-week online consultation from 24 November to 9 December 2021, in line with the minimum requirements of the Rules for Consultations in Drafting Legal Regulations. ¹⁰ | Yes | Not applicable |
| 4.1 Reasoned response: According to the action plan, a report on the two-week online consultation was prepared and submitted along with the action plan proposal to the Council of Ministers for consideration and adoption. However, upon viewing the report, the IRM researcher found that there were no suggestions or comments received. ¹¹ Minutes of the advisory council meetings show open discussion of all topics between government and non-government representatives. ¹² Some non-government representatives confirmed that this was the case and noted their satisfaction with the level of open dialogue with the government. ¹³ At the same time, they underlined that lack of engagement during the online consultation period indicated low public interests. ¹⁴ | Yes | Not applicable |
| 5.1 Open implementation: The IRM will assess whether meetings were held with civil society stakeholders to present implementation results and enable civil society to provide comments in the Results Report. | Not applicable | <i>To be assessed in the Results Report</i> |

On 24 November 2021, the OGP Steering Committee approved the updated OGP Participation & Co-Creation Standards which became effective on 1 January 2022. Although BiH started its action plan co-creation process in 2021, all participating members in OGP would be assessed according to the new standards once they came into effect. The IRM has assessed in this Action Plan Review that BiH did not meet the minimum requirements of the updated OGP Participation and Co-Creation Standards.¹⁵

To meet those minimum requirements during the implementation period, the multistakeholder forum needs to convene at least every six months to coordinate with the different stakeholders. At least twice a year, the repository needs to be updated with relevant implementation progress

and documentation. In future cycles, stakeholders would also need to ensure that a timeline is made available two weeks prior to the start of the co-creation process.

¹ “2021 OGP Participation and Co-Creation Standards,” Open Government Partnership, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

² “IRM Guidelines for the Assessment of Minimum Requirements,” Open Government Partnership, <https://www.opengovpartnership.org/documents/irm-guidelines-for-the-assessment-of-minimum-requirements/>.

³ Vildan Hadzihanovic (Ministry of Justice), Information provided to IRM during pre-publication period, 4 July 2023.

⁴ “OGP,” Public Administration Reform Coordinators Office, <https://parco.gov.ba/hr/ogp/>.

⁵ “OGP.ba,” OGP Bosnia and Herzegovina, archived at https://web.archive.org/web/20210801000000*/ogp.ba.

⁶ “OGP,” Ministry of Justice of Bosnia and Herzegovina, <http://www.mpr.gov.ba/reload/default.aspx?id=10936&langTag=en-US>.

⁷ “OGP,” Ministry of Justice of Bosnia and Herzegovina.

⁸ “Minutes 4. Session Advisory Council OGP,” Ministry of Justice of Bosnia and Herzegovina, http://www.mpr.gov.ba/web_dokumenti/?id=12283.

⁹ Leila Bičakčić (Centre for Investigative Reporting – CIN), interview by IRM researcher, 22 March 2023; Selma Džihanović-Gratz (Ministry of Justice), interview by IRM researcher, 15 March 2023.

¹⁰ “Rules for Consultations in Drafting Legal Regulations,” Ministry of Justice of Bosnia and Herzegovina, <http://www.mpr.gov.ba/aktuelnosti/propisi/18.2%20Procisceni%20tekst%20Pravila%20za%20konzultacije%20u%20izradi%20pravnih%20propisa%20-%20HJ.pdf>.

¹¹ “eKonzultacije,” Government of Bosnia and Herzegovina, <https://ekonzultacije.gov.ba/legislativeactivities/documents/116089>.

¹² OGP,” Ministry of Justice of Bosnia and Herzegovina.

¹³ Bičakčić, interview; Emsad Dizdarević (Transparency International), interview by IRM researcher, 22 March 2023; Darko Brkan (Zašto ne), interview by IRM researcher, 28 March 2023.

¹⁴ Bičakčić, interview.

¹⁵ “2021 OGP Participation and Co-Creation Standards,” Open Government Partnership.