Civil Society Strategy for Prevention of Conflict of Interest in the Public Administration

The Vision of the *Civil Society Strategy for Prevention of Conflict of Interest in the Public Administration*[1] is a society in which the conflict of interest has been eradicated, and the merit system has been, in large, accepted in the functioning of the public administration.

The Mission of the Strategy is strengthening of the role of the civil society in prevention of occurrences of conflict of interest and promotion of the merit system.

Strategy Objectives
The Civil Society Strategy for Prevention of Conflict of Interest in the Public Administration accounts for the following objectives:

1. To ensure a proactive role of the civil society in the areas of transparency; public procurement; and the process of recruitment, promotion and mobility in the public administration;
2. To incite civil society research and monitoring activities in relation to the conflict of interest in the public administration;
3. To raise the public's awareness as to the adverse effects of the spoils system[2] and the conflict of interest;
4. To develop cooperation between the civil society and the public authorities in order to prevent conflict of interest and to promote the merit system in the public administration;
5. To provide support to the civil society in the implementation of the public administration reform processes;
6. To provide for continuous involvement of the civil society sector in the prevention and suppression of the conflict of interest in the public administration.

The Strategy aims towards providing recommendations for taking action, and also to prompt a monitoring, evaluation and research mechanism for the purposes of prevention of conflict of interest. By the means of this Strategy, the existing mechanisms shall be strengthened and new mechanisms and actions shall be adopted in order to encourage active engagement of the civil society sector and enhancement of the cooperation between the civil society sector and the public institutions. Furthermore, the Strategy shall encourage and offer recommendations for development of upcoming strategic documents by the competent institutions so as to achieve the objectives thereof.

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[1] Hereinafter the term "Strategy" will be used.
[2] Spoils system refers to administration aimed at accomplishing the objectives of the political governance that makes use of a practice according to which the political party upon winning the elections offers employment to its supporters, friends, relatives in the public institutions as a reward for rendering their support to the party or as an incentive to work in favor of the supposed political party. Merit system refers to administration aimed at exercising the rights and freedoms of citizens/service to the citizens – according to which the jobs in the public institutions are awarded on merit.

The following four thematic scopes are addressed in the Strategy, which are identified in the issues related to the conflict of interest.

- ❖ Active involvement of the civil society sector in ensuring *transparency* of public institutions;

- ❖ Active involvement of the civil society sector in the monitoring of the *public procurement* processes;

- ❖ Active involvement of the civil society sector in the monitoring of the *process of recruitment, promotion and mobility* of civil and public servants and realization of the merit system in the public administration;

- ❖ Active involvement of the civil society sector in the *development of anticorruption policies.*

1. Transparency

The objective of the first scope "Involvement of the civil society sector in ensuring *transparency* of public institutions" is **to achieve greater transparency in the decision making processes, the publicizing and sharing of information on public administration activities, and to enable active participation by the civil society sector in advocating the policies referred to in this scope as well as to ensure transparency of the public institutions.**

Instructed activities:

- To encourage civil society monitoring and research activities as to the level of transparency of the public administration at a national and local level;

- To prepare recommendations and provide support to institutions in order to unify and simplify the procedures for publishing and sharing of public information;

- To advocate policies at national and local level that will contribute to greater awareness, transparency and openness of public authorities;

- To encourage the exchange of information among civil society organizations and to develop comparative databases on the level of transparency of local governments;

- To advocate policies that will involve the citizens in the decision-making process and the public policy process;

- To advocate policies and develop mechanisms that will engage the citizens in the preparation of the public institutions' budget;

- To support actions that will contribute to the establishment of "civil budgets" [3];

- To encourage regular publication of the audit reports by the public institutions;

- To organize promotion campaigns on the concept of good governance, openness and accountability of the public institutions;

- To advocate policies on raising the awareness of the public on the existence and role of local and urban communities and the strengthening thereof;

- To advocate policies for legislative amendments aimed at increasing the powers of the Commission for Protection of the Right to Free Access to Public Information;

- To promote the Transparent Municipality Handbook by the Association of Local Government Units (ZELS) [4];

- To raise public awareness about the Law on Free Access to Public Information and the information rights and obligations stipulated therein;

- To support and encourage citizens' awareness-raising campaigns as to the role of and options in the Single National Electronic Registry of Regulations (ENER) [5];

- To encourage civil society monitoring over the functioning and efficiency of ENER;

- To advocate policies to encourage local governments to regularly update the data and improve the quality of information posted on their websites;

- To conduct trainings for strengthening the capacity of civil society organizations for research and monitoring activities in the area of transparency;

- To advocate greater citizens' involvement in the preparation of the public interest programs and projects, greater transparency, and acknowledgement of the civil society as a partner in the implementation thereof;

- To improve the mechanisms for citizens' participation at the local level, definition, disclosure and clarification thereof;

- To advocate and lobby for the establishment of written and unwritten moral and ethical standards of conduct and public administration performance;

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[3] Civil budget is a budget with non-technical terms explained in easily understandable language that will allow citizens to understand the goals and purposes of financing or allocation of public money. The budget may be properly delivered to the citizens as a supplement to newspapers or magazines or via electronic media. The civil budget provides for information about the level of involvement of the public into the budget process. Also, civil budget shall refer to participation of the citizens in the preparation of the budget items.
[4] The Handbook is available at the following website:
http://www.zels.org.mk/Upload/Content/Documents/Izdanija/Publikacii/MK/23Transparentna_opstina_mkd.pdf
[5] https://ener.gov.mk/

- To advocate and lobby for the establishment and application of new mechanisms of improved and enhanced transparency in the activity of the public institutions.

2. Public Procurement

The objective of the second scope "Involvement of the civil society sector in the monitoring of the *public procurement* processes" is **to enhance the involvement of the civil society sector in the monitoring, advocacy, provision of recommendations and increased transparency and accountability of institutions in the public procurement process.**

Instructed activities:

- To advocate policies for simplification of the primary and secondary legislation in the area of public procurement;

- To encourage monitoring and research of the public procurement and the implementation processes thereof;

- To raise the awareness of the public and organize campaigns in order to offer more knowledge to the economic operators about their rights and obligations in public procurements;

- To ensure information and assistance to the economic operators in the procedures of lodging of complaints;

- To promote actions and instigate activities for strengthening the capacity of the public authorities and the economic operators in order to properly carry out the public contract awarding process;

- To encourage research on best practices in the implementation of public procurements and opportunities for transfer thereof;

- To make recommendations for increase in efficiency, cost-effectiveness and efficacy of the public procurement process;

- To advocate policies on facilitating the access to public procurement information via the internet platform of the Public Procurement Bureau;

- To advocate policies for publishing documents about the entire procedure of awarding of public contracts;

- To conduct training on strengthening the capacity of the civil society organizations for research and monitoring in the field of public procurement;

- To advocate policies that will mitigate the public procurement penal legislation on a municipal level;

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- To encourage analysis of risks and possibilities for corrupt behaviour prior to the commencement of the public procurement procedure, being considered as a step charged with high corruption potential;

- To advocate the setting up of a basic database in the Public Procurement Bureau for economic operators that will simplify the procedure of partaking following the public procurement notices;

- To make a publicly available list of economic operators who have failed to meet or failed to adhere to the public procurement set contracts.

3. **Recruitment, promotion, mobility and merit system**

The objective of the third scope "Involvement of the civil society sector in the monitoring of the **process of recruitment, promotion and mobility** of civil and public servants and realization of the merit system in the public administration" **is support and encouragement of the implementation of fair processes of recruitment, promotion and mobility as well as monitoring of the level of accomplishment of the merit based principles (responsibility, transparency, effectiveness, efficacy, reliability and predictability).**

Instructed activities:

- To take actions to inform and raise awareness among citizens, civil and public servants so as to understand the legal framework of the system of recruitment, promotion and mobility;

- To encourage monitoring of the published advertisements (total number of notices published, frequency of publication and geographic representation), and increase in transparency of the decision-making process and of the posting of recruitment and appointment decisions;

- To encourage monitoring of the authorities' jobs systematisation and encourage the authorities to make the systematizations publicly available;

- To encourage the Administration Agency to monitor the published internal listings (total number of published listings, frequency of publication and geographic representation), and increase in transparency of the decision-making process and the posting of recruitment and appointment decisions;

- To encourage research and monitoring for the duration of the procedures for recruitment, promotion and mobility, as well as implementation of the procedures pursuant to legal norms;

- To conduct campaigns and take actions to raise the awareness of the civil and public servants so as to complain against the recruitment, promotion and mobility process.

- To encourage research and monitoring of the processes for promotion in the workplace and mobility of the public and civil servants and as well as monitoring the realization of the merit system;

- To perform activities aimed at monitoring, detection and public disclosure of violations of the merit system (in particular, the occurrence of nepotism);

- To monitor and research the extent of the implementation of the rewarding system in the state administration;

- To monitor the activity of relevant authorities and institutions in terms of comprehensive implementation of the merit system (Ministry of Information Society and Administration, Administration Agency and State Commission on Administrative Disputes);

- To conduct trainings on capacity strengthening of the civil society organizations for research and monitoring in the field of employment, promotion and mobility;

- To advocate civil society in setting up an open and accessible registry of public servants.

4. **Conflict of interest and anticorruption policy**

The objective of the fourth scope *"Involvement of the citizens and the civil society sector in the prevention of the conflict of interest in public administration"* refers to **activities for research and monitoring of the conflict of interest phenomenon in the context of the general anticorruption policy, informing the public as to the adverse effects of conflict of interests.**

Instructed activities:

- To encourage the system of integrity in the local government units, to advocate policies for introduction of an integrity system and exchange of existing positive practices;

- To perform activities for raising the awareness and information in relation to the definition of the conflict of interest phenomenon;

- To advocate policies for overcoming capacity and competencies-related issues of the main anticorruption bodies;

- To encourage actions by the civil society in evaluation of the anticorruption model and monitoring the implementation thereof;

- To enhance the proactive role of the civil society in rendering information about the procedures and steps for lodging complaints to the State Commission for Prevention of Corruption (DKSK) and direct assistance in the drafting thereof;

- To encourage action for cooperation with DKSK in order to advance openness and transparency in the institution and to enhance cooperation with the civil society;

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- To encourage monitoring and analysis of the strategic planning of DKSK.

Tools for the implementation of the Strategy:

The set of tools represent an open list of possible aid to the implementation of the Strategy scopes in order to achieve its outcomes.

Possible tools are listed as follows:

I Application of the existing mechanisms to affect policies:

- Provide comments to draft laws of ENER;

- Provide comments to the Annual Program of the Government[6];

- Participate in public debates.

II Application of legislation for access to information:

- Make use of the Law on Free Access to Public Information;

- Make use of the option to file a complaint to the Commission for Protection of the Right to Free Access to Public Information in the event of failure to uphold this Law by the holder of information;

III Application of other resources in the scope, prepared by different stakeholders:

- Make use of the bulletin of the Macedonian Centre for International Cooperation as to the accessible draft laws of ENER- Mirror to the Government[7];

- Make use of the webpage for Open Data[8];

- Make use of the ZELS Transparent Municipality Handbook.

IV Joint action in the promotion of project outcomes:

- Joint action by multiple civil society organizations in providing comments to pieces of legislation, participation in public debates, organizing events etc.;

- Establishment of strategic partnership with the media (especially those dealing with investigative journalism) to secure more media space for presenting research outcomes;

- Joint action with other partners-stakeholders: institutions, donors etc.

Strategy Outcomes:

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[6] The Program of the Government is published at the following website: www.nvosorabotka.gov.mk
[7] Mirror of the Government is accessible at the following website: http://www.ogledalonavladata.mk/
[8] The Open Data webpage can be accessed on the following link:
http://www.opengovpartnership.org/country/macedonia/commitment/open-data

- More efficient civil sector and increased capacity in terms of monitoring, analysis, policy making and proposed measures in the field of conflict of interest and promotion of the merit system;

- Increased number of specific recommendations and guidelines created by the civil society aimed at improving the operation of the public institutions in this area and enhanced confidence in the institutions;

- In this Strategy, the local and national authorities will recognize the importance of the civil society's contribution to the process of improving good governance and preventing conflicts of interest;

- Increased sustainability, networking of and joint actions as well as advocacy by the civil society;

- Better quality of publications and analysis as well as increased activity of the media on this issue;

- Initiate change in the societal outlook of citizens as well as minimize the occurrence of conflict of interest, and diminish corruption;

- Improved proactive role of the citizens and empowerment thereof in demanding institutions to be held accountable;

- Ability to improve the financial sustainability of the civil society, through joint actions and networking in order to enforce the Strategy and meet the objectives thereof;

- Cooperation between the civil society organizations in this area by collecting, structuring and sharing data compiled from all rendered opinions and research conducted by the civil society.

Implementation of the Strategy

The objectives of this Strategy will be delivered on an ongoing basis, without a specified time frame, starting from the day of the adoption of the Strategy. The instructed actions in the Strategy will serve as a roadmap or a guide to the civil society organizations across the Republic of Macedonia, which deal with such issues presently or in the future.

Strategy Implementing Agents

As chief agents to advocate the fulfilment of the principles, objectives and the specific strategies stipulated in this strategic document are the civil society organizations in the Republic of Macedonia.

The following organizations participated in the preparation of the Civil Society Strategy for Prevention of the Conflict of Interest in the Public Administration:

Association for Development Initiatives "Zenit" Skopje,

Center for Social Research "Analitika" Gostivar

Association "Inventivnost" Radovish,

Association of financial workers in the local government and public enterprises Veles,

Civil Association "Proekt EU" Kavadarci,

ZIP Institut Skopje,

Institute for Democracy "Societas Civilis" Skopje (IDSCS),

Institute for Economic Strategies and International Relations "Ohrid" Skopje (OI),

Community Development Institute Tetovo (IRZ),

Local Development Agency Struga (LAR),

Macedonian Institute for Media Skopje (MIM),

Young European Federalists Kumanovo (DzeF Macedonia)

Multikultura Tetovo,

Organization of Women of the Municipality Sveti Nikole (OZhOSV),

Regional Centre for Sustainable Development Kratovo (RCOR),

Local Community Development Foundation Shtip (FRZ),

Centre for Change Management - Skopje (CUP).