

ADVOCACY FOR
OPEN
GOVERNMENT

Policy brief

**BUILDING TRUST IN OPEN GOVERNMENT:
PUBLIC PERCEPTION TRENDS 2013/2014**

November 2014



THIS PROJECT IS FUNDED BY THE EUROPEAN UNION

SUMMARY

The purpose of this paper is to analyse trends in public perceptions of open government, notably of accountability and transparency of public institutions. Being only partially stimulated by the Open Government Partnership (OGP) and rather more by the EU accession, these perceptions have become surprisingly volatile overtime, mainly under the influence of policymaking and delivery processes. Namely, the more citizens feel that they are being treated fairly in the policy process in terms of policy considerations and policy outcomes; the more likely they are willing to trust the government and hold it accountable for its actions. On the contrary, even perception of lack of accountability can undermine trust in legal and institutional system which should protect the interests of the citizenry.

These perceptions of lack of accountability may be captured by set of questions in surveys emerging from indicators for measuring trust in government. This paper relies on such surveys to contest a circular nature of the relationship between trust and good governance. While trust in government generates good governance; good governance in turn engenders or strengthens the trust in it. This seems to be particularly relevant for Montenegro, given that perceptions of government trustworthiness are strongly influenced by political and public leadership evaluations which are widely used as heuristic to assess the work of the Government.

This paper is therefore based upon an assumption that public trust emerges as a crucial democratic issue for the current government, either in terms of the political trust that is directed towards political incumbents or a social one which refers to citizens' confidence in social community and is inseparable from the notion of political trust. It draws on CEDEM's researches, notably on the two surveys on the trust in government conducted from 2010 - 2014 in order to analyse various determinants and trends of that trust. It also investigates the influence of the OGP and the EU accession on this multifaceted concept of trust and its underlying trends in the last few years, particularly on how new political and social requirements imposed by these parallel processes may help to cultivate and maintain trust. The paper concludes with recommendations on how government branches can ensure good governance and foster public trust by using the OGP tools as well as the EU - driven reform frameworks.

Key words: *governance, trust, citizens, accountability, transparency.*

Introduction

Public trust in the Government has been an important issue in Montenegrin politics for some time, arising within the OGP framework which represents significant incentive for the concept of good management. Following the OGP commitment made in September 2011, the Government of Montenegro prepared and published the first **Action Plan** for implementation of this initiative in March 2012. The Plan contained quite broad measures, but without deadlines defined or success indicators envisaged. A specific body for OGP implementation - **Operational Team**, consisting of representatives of the government and of CDT, MANS, Institute Alternative and CRNVO, was established by the Council for Regulatory Reform and Improvement of the Business Environment.

Although CSO members of the Operational Team participated in drafting this document, its creation failed to include a full range of stakeholders, most importantly citizens. This was despite the fact that the Prime Minister at that time, Mr Luksic, announced in his *exposé* before the Parliament, wide consultative meetings with the most significant social actors (so-called *Consultation Days*).¹ Besides, in the first reporting period, only 15, out of 48 single - action measures, were implemented. Measures that are

aimed at continuous implementation are at different stages of realization. Operational Team has provided inputs for the Second Action Plan, but the final version and its adoption are still missing.²

Conceptual and methodological framework

Transparency and accountability are essential for **good governance** and, inherently, for the citizens' trust. Governments lacking these two attributes can easily undermine the effectiveness of the political system in a same manner in which political leaders can weaken support for the political system (Easton, 1979) and erode confidence in the overall governing process. The compromise between these two is often at the cost of good governance that raises consent to policies (Gamson, 1968) and underpins the rule of law.

When we speak about the governance itself, it can be defined as a specific way in which a society organizes itself in order to make decisions, mediate differences and exercise legal rights. The issue of trust, both in its social and political form, is the *sine qua non* of good governance since a complete absence of trust is incompatible with good gov-

¹ Montenegro OGP Action Plan, p. 1, available at: http://www.opengovpartnership.org/sites/default/files/legacy_files/country_action_plans/Montenegro_Action%20plan.pdf

² Mapping OGP in Montenegro, CeMI, Podgorica, May 2013, p. 3, available at: http://cemi.org.me/images/dokumenti/studije/Mapping_OGP.pdf

ernment (Pharr and Putnam, 1999; Hardin, 1999). Yet, it is indisputable that an effective functioning of public administration greatly affects **public support**, while this functioning must almost always rely on public support and trust (Schlesinger 2001).

However, public trust is not limited to the specific aspects of public sector. It represents a mix of different experiences, stereotypes and ideologies which is very sensitive to policy outcomes and to wider societal and political circumstances in each country. Social and demographic factors, such as the level of literacy and education, gender and age are also affecting social and political trust.

Any considerations of the trust in governance in Montenegro has to take into account the fact that Montenegro is a country where ruling political elites have not changed for more than two decades, which is shaping the attitudes towards the political system. In such circumstances, over years the political context devolved into populist politics with small capacity for changes of political culture. Everyday politics is marked by many catchphrases which only serve as declarations of political will designed to capture citizens' expectations.

In addition to political factors, the issue of public trust in governance is very much shaped by the **civil society participation** that has proven to be successful in fostering good governance in many segments. Still, this positive impact can easily be destroyed by the variable of **corruption** which arises as a key factor contributing to the decline of trust in the government, especially when political corruption is concerned.³ Even the perception of this corruption damages trust in ways that may not be fully repairable for long time.

Having in mind these considerations, surveys for measuring citizens' trust in the Government (in a wider sense, in the governing process *per se*) were operated with various empirical elements to show dimensions each area of public trust consists of. These elements offered, in their cumulative form, necessary information on the functioning of the political system and work of public administration, but took into account perceptions of corruption as well as political affairs that happened in the country at that time. The first survey was conducted in March 2013 on a sample of 1022 respondents (representative for all citizens over 18 years)⁴ in 16 municipalities (Bijelo Polje, Berane, Pljevlja, Podgorica, Nikšić, Cetinje, Herceg Novi, Ulcinj, Bar, Tivat, Kotor, Rozaje, Plav, Žabljak, Kolašin, Plužine). The second one, conducted in September 2014, operated with the sample of 1025 in the same municipalities.

3 Political corruption refers to the misuse of public office for private gain: World Bank, Anti-Corruption Program, available at: <http://www.worldbank.org/wbi/governance/pubs.html>

4 Post stratification was performed by gender, age and national affiliation. Standard statistical error is +/- 3.05% for the appearances with incidence of 50% with interval of trust of 95%.

Survey results

The survey results⁵ from March 2013 indicated a declining trend in citizens' trust in the Government. Namely, in comparison with surveys conducted in November 2010, when this trust was marked with a percentage of 55,2%, in March 2013 it declined to 47,5%.⁶ Citizens had even less confidence in the President of Montenegro (46,6%), the Parliament (36,5%) and the court system (36,9%). The general confidence in political parties was also very low (23%), gradually decreasing from 31,3% in November 2010 to over 24% in September 2012. It appears interesting that 55,7% of citizens stated that they were mostly or very unsatisfied with the direction in which the Government of the Prime Minister Đukanović was heading.

With regard to ministries, citizens had the greatest trust in the education and health system as traditionally the most trusted sectors. The trust in the Ministry of Education was 40,3% and in the Ministry of Health 47,8%, followed by 41,5% for the Ministry of Economy and traditionally low values for the Ministry of Interior (37,1%) and the Ministry of Justice (33,5%). The lowest level of trust was measured for the Ministry of Finance (32,7%), mainly due to a set of unpopular financial measures imposed by this Ministry to counter the effects of the economic crises affecting Montenegro since 2008.

The survey results on the well-known political affair, called „Snimak” [Recording, eng.] also allows for an interesting interpretation. Namely, 53,3% of citizens condemned the ruling Democratic Party of Socialists (DPS) for this affair. Despite this fact, the DPS remained the most trustworthy political party in the country, ranking at the first position with 49% and its two leaders being the first two top-ranked officials with the following scores: Filip Vujanović – 3,06 and Milo Đukanović - 2,89.

When we look closely at the survey results obtained in September 2014, a decrease of the trust in the Government reoccurred (44,3% in comparison with 47,5% in 2013). However, the trust into particular branches of the Government, notably in the health and education sectors increased significantly, scoring 60,3% for health system and 58,7% for education system. Similar results referred to the President of Montenegro (50,2%), Judiciary (42,8%) and the Parliament (40,2%). Even more interesting, significant increase of trust in Police has been observed (from 40,4% in March 2013 to 49,4% in September 2014). The ranking of political parties also increased up to 26,2%.

5 Survey results available at: <http://cedem.me/en/programmes/empirical-research/political-public-opinion/viewdownload/42-political-public-opinion/567-citizens-attitudes-on-nato-integrations-september-2014.html>

6 The lowest trust was measured in July 2012 (46, 7%).

This ubiquitous downward trend in trust in the Government may be attributed to the presidential and local elections that have occurred in this period. The impact of the affair *Snimak* and several other corruption cases involving public officials as well as citizens' negative evaluations of the national economy and their negative perceptions of the Government's ability to respond to the economic challenges also affected the level of trust. On the other hand, greater trust in other branches of power (parliamentary and judicial power) as well as in certain government branches may be attributed to the opening of the accession negotiations with the EU. This opening implied, to certain extent, readiness of those institutions to uphold the accession process. Finally, lack of sound affairs in health and education at that time, as well as some positive trends in the Police work, relating primarily to reinitiating of certain investigations and solving attacks on journalists have contributed to better image of these institutions that can also serve to explain significant boost of trust.

Conclusions

Montenegro is a state where the authorities have not changed since the beginning of the process of socio-economic transition; that is, over 23 years. In the same way that the authorities have not changed, the actors on the opposing political scene neither changed. In a way, this has paved the political market and produced a significant dose of political conservatism that is limiting capacities for changes. Along with political, this cleavage also produced wider social and economic ramifications. However, the scope and dynamic of the **EU accession fostered important changes at the level of good governance**, first of all in legal and institutional sense. Degree of responsibility in the overall bureaucratic work of public administration has

improved and capacities of certain institutions have been strengthened. The understanding of transparency and accountability improved as well.

Independently from the EU accession process, **the OGP itself has produced less impact on good governance, including public trust in governance**, despite the fact that it provided many citizens-oriented mechanisms that could have been used to forge good governance and rebuild public trust in it. The impact of these measures is yet to be assessed in years to come.

Compared with negative trends from 2010/2012, some positive changes, attributable to the general pace of reforms and a "secure" road towards the EU membership, have been recorded. However, the **lack of changeability of authorities**, coupled with the lack of transparency and accountability of certain administration units, unambiguously affected the level of trust, along with the absence of a wider public support in scrutinizing governmental deficiencies. In light of these arguments, it can be stated that the trust in the Government is predominantly bounded by the level of political culture, perceptions of political leaders and the influence of civil society. More than anything, it seems that understanding what the trust in government means and how it manifests itself remains of crucial importance, in addition to raised capacity of citizens to monitor the work of the Government as an essential part of the OGP.

This being said, four aspects seem to be crucial for building trust in Government in Montenegro: **quality and legitimacy of political elites; progress in fighting corruption**, especially at higher levels; **strengthening professionalism and ethics of authorities at all levels** (notably of police, prosecution and courts); and **safeguarding wider public support** to underpin rule of law norms.

RECOMMENDATIONS

A close examination of survey results and related theoretical underpinnings show that political elites and the Government may forge public trust by undertaking the following:

- Demonstrating more concern for the public good by adhering to consistency in sanctioning acts that are against public good as well as by insisting on consistent application of codes of ethics in public administration.
- Improving economic efficiency, in order to make the Government's economic decisions more legitimate and trustworthy. Open the process of public budgeting to a wider stakeholder community.
- Implementing reforms to increase political trust directly or indirectly, through development of social trust, via fiscal decentralization and public management innovations.
- Dealing with corruption cases in a more transparent, consistent and effective manner, especially with those corruption affairs involving politicians, to forge political trust.
- Introducing better conceptualized social reforms to allow for more effective aggregation of citizens' interest and catalyse the effects of social capital.
- Adopting technological innovations to make the Government more efficient, inclusive and accessible to citizens, such as e-government and e-participation. Expand the scope of the E-petitions to those issues that fall under the jurisdictions of local self-governments.
- Apply continuous strategies to promote OGP tools, including E-government, more heavily and regularly inform public on their impact to build so-called technological trust.