

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

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Executive Summary: Macedonia

Independent Reporting Mechanism (IRM) Progress Report 2014-15

Macedonia's second plan prioritized transparency and participatory policymaking. Most commitments were either too vague to measure, included minor first steps, or saw limited activity during the first year. Still, despite a contentious political environment, the most promising commitments addressed civil society collaboration and whistleblower protections as well as public procurement transparency. Moving forward, the next action plan should prioritize fewer but more ambitious commitments with measurable, realistic milestones and the necessary resources.

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

Macedonia began its formal participation in OGP in August 2011 and implemented its first National Action Plan through 2013. This report covers the development and first year of implementation of the second National Action Plan, from January 2014 through 30 June 2016.

The Ministry of Foreign Affairs (MFA) was initially the leading authority for OGP until the government transferred coordination of OGP to the Ministry for Information Society and Administration (MISA). While in 2012 the government considered establishing an inter-ministerial working group for OGP, the government did not authorize this group until May 2014 and did not establish it until February 2015. Finally, it must be noted that the national government has few 'sticks' to compel local government to adhere to non-legally binding initiatives.

OGP PROCESS

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

The development of the second OGP action plan was inclusive, meaning various stakeholders—including state administration, civil society, and local government—contributed to the process. The government announced the action plan on time and made three drafts available for public input. However, the process was donor dependent and did not include much input from stakeholders such as the business sector and academia, instead focusing mainly on the priorities of civil society.

In January 2015, the government also established working groups for each of the plan's seven priority areas. These groups are chaired by the lead agency within the priority area and represent an ongoing forum on OGP implementation.

Finally, the government published its self-assessment on the e-democracy portal on 27 September 2015, and a two-week period for public comment followed, though there is no information about whether the government received any comments. The report generally follows the structure recommended by OGP.

At a glance

Member since: 2011
 Number of commitments: 51

Level of Completion

Completed: 9 (18%)
 Substantial: 8 (16%)
 Limited: 23 (45%)
 Not started: 11 (22%)

Timing

On or ahead of schedule: 18 (35%)

Commitment emphasis:

Access to information: 34 (67%)
 Civic participation: 25 (49%)
 Accountability: 17 (33%)
 Tech & innovation for transparency & accountability: 10 (20%)

Number of Commitments that were:

Clearly relevant to an OGP value: 51 (100%)
 Of transformative potential impact: 6 (12%)
 Substantially or completely implemented: 17 (34%)
All three (⊕): 0 (0%)

COMMITMENT IMPLEMENTATION

As part of OGP, countries are required to make commitments in a two-year action plan. Macedonia's second action plan contained 51 commitments each with a number of smaller milestones. To facilitate analysis, the researcher organized the commitments into 19 thematic clusters, but maintained the original action plan numbering for comparison. The following tables summarize each commitment, its level of completion, its ambition, whether it falls within the planned schedule, and the key next steps for the commitment in future OGP action plans.

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

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
Cluster 1. Participation: Improving the Single Electronic Register of Legislation (ENER) Portal for Consultation									
1.1- Enhancement of the portal: Optimize user registration, introduce automatic posting, and carry out a promotional campaign.									On schedule
1.2- Strengthen the rules for ENER: Adopt the guidelines for administering ENER and establish the public conditions for using ENER.									Behind schedule
1.3- Publication of ENER's results: Weekly review, monthly summary, and quarterly and annual reports on the draft laws on ENER.									On schedule
Cluster 2. Participation: Participatory Policymaking									
1.4- Annual report on openness in policymaking: Assess the communications, the enabling environment, and the openness of the processes for specific laws.									On schedule
1.7- Public awareness and use of participatory policymaking: Promote submission of ideas on the e-democracy portal and monitor the status of utilization.									Behind schedule
1.8- Advisory body to encourage the development of civil society.									Behind schedule
1.9- Code of Good Practice for civil society participation: Publication of analysis on using the code and call for contributions to the Annual Working Program on ENER.									Behind schedule
1.10- Strategy for Cooperation of Government with Civil Society (2012-2017).									Behind schedule
7.2- Publication of evaluation results of public administration projects: Monthly checks on votes per employee.									Behind schedule

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
Cluster 3. Participation: Capacity Building for Civil Society Organizations (CSOs)									
1.5- Capacity building of CSOs to monitor implementation of policies.									Behind schedule
1.6- Raising awareness about OGP benefits: Strengthen dialogue on commitments and build CSO capacity to implement OGP measures.									Behind schedule
4.8- Building capacity of CSOs to monitor local anti-corruption practices.									Ahead of schedule
Cluster 4. Participation: Education, Cyber Safety, and the Environment									
7.3- Inclusive education for persons with disabilities: Submit and analyze proposals for amendments, and commence consultation if needed.									Behind schedule
7.4- Implement the Center for Safer Internet Action Plan with Inhope Macedonia.									Behind schedule
7.7- Promote environmental protection: Information campaign on environmental topics, submit and analyze proposals for legislative changes, , and commence public consultation if needed.									Behind schedule
Cluster 5. Open Data: Standards and Platform									
2.2- Standards for data formats and publication.									On schedule
2.5- Create a function to request new datasets.									On schedule
2.6- Establish a platform for “data mashing” and a pilot for eleven institutions.									On schedule
Cluster 6. Open Data: Inventories and Proactive Transparency									
2.1- Open data of the public sector.									Behind schedule
2.3- Central catalog of public-sector data.									Behind schedule
2.4- Database for contact people in institutions responsible for data publishing.									Behind schedule
3.4- Regular posting and updating the list of information holders.									Behind schedule
3.5- Availability of all public information on websites of information holders.									Behind schedule
Cluster 7. Freedom of Information: Human, Operational, and Financial Resources									
2.7- Trainings on the Law on Use of Data from the Public Sector									On schedule
3.2- Educating officials at information holders.									On schedule
3.3- Website for Commission for Protection of the Right to Free Access of Public Information.									On schedule
3.6- Improve the Commission’s resources.									Behind schedule

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
Cluster 8. Freedom of Information: Legal Reform									
3.9- Amending the Law on Free Access to Public Information: Submission and analysis of proposals to the Ministry of Justice and starting public consultation.									On schedule
3.10- Inter-sector working group for compliance with the Convention of the Council of Europe for access to public documents.									Behind schedule
Cluster 9. Freedom of Information: Public Awareness and Partnership Building									
3.1- Raising public awareness: Assisting journalists and NGOs and providing trainings, “open days” for municipalities, and websites to educate citizens.									On schedule
3.7- Memorandum of Cooperation between Commission for Protection of the Right to Free Access to Public Information and associations, foundations, and municipalities.									Behind schedule
Cluster 10. Anti-Corruption: Integrity Standards									
4.3- Guidelines to integrity systems and further piloting the systems in municipalities and central institutions.									Behind schedule
4.4- Define a methodology for assessing corruption risks.									Ahead of schedule
4.5- Develop methodology for monitoring progress of local self-government integrity systems.									On schedule
4.6- Develop methodology for civil society monitoring of integrity systems.									On schedule
Cluster 11. Anti-Corruption: Laws, Systems, and Whistleblowing									
4.1- Amendments to the Law on Prevention of Corruption: Introduce integrity systems into the public and private sector and protect whistleblowers.									Behind schedule
4.2- Raise awareness to report corruption reporting.									Behind schedule
4.7- Promote IT tools for social responsibility in municipalities and other institutions.									Behind schedule
4.9- Define the scope of elected and appointed officials subject to asset declarations.									Ahead of schedule

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
Cluster 12. Transparency: Health and General Budgets									
3.8- Publish health budget information with a focus on preventive programs.									Behind schedule
5.1- Open Budget Initiative: Publish budget in open format and a citizens' budget, and consider publishing health service delivery information.									Behind schedule
7.5- Analysis for the program for the early detection and prevention of disease of the reproductive organs in women: Monitoring implementation, researching problems, and lobbying to accept specific changes derived from research in future programs.									On schedule
7.6- Inform women about their rights and services through the program.									Behind schedule
Cluster 13. Transparency: Public Procurement									
5.2- Recommendation for publishing annual procurement plans and developing transparency standards for procurement.									Behind schedule
Cluster 14. Transparency: Foreign Aid									
5.3- Publication of documents about foreign investment as well as obtained and planned foreign assistance to Macedonia.									Behind schedule
Cluster 15. Local Open Government: Capacity Building									
6.1- Local capacity building for proactive communication with citizens: Evaluate current municipal capacity, develop capacity building program, train trainers, prepare curriculum, and implement the program.									Behind schedule
Cluster 16. Local Open Government: Open Budget and Monitoring System									
6.2- Electronic platform with indicators for local services and budget: Pilot the system in local self-governments, analyze local statistics, prepare indicators, publish a draft budget, plan a participatory process with key stakeholders, jointly design a prototype platform, prepare the user manual, and support a social audit process.									Behind schedule

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
Cluster 17. Local Open Government: Increasing Civic Participation									
6.3- Improve local services through direct collaboration: Upgrade and replicate good practices, support citizen initiatives, evaluate achieved results, and prepare a Model Municipal Internal Act on Transparency.									Behind schedule
6.5- Participatory policymaking at the local level: Prepare internal model act to implement consultations and promote CSOs as facilitators.									Behind schedule
Cluster 18. Local Open Government: Introducing E-Services									
6.4- Transforming local services into e-services: Analyze possibilities and existing capabilities, prepare criteria, design web solutions, assess effectiveness, and implement a program to develop priority mobile applications.									On schedule
Cluster 19. Open Government for Consumers									
7.1- Accountability and promotion of informed consumers and service users: Target awareness raising, significantly increase support to civil society, and hold regular meetings of the Consumer Council and workshops with stakeholders.									Behind schedule

Table 2: Summary of Progress by Commitment

NAME	SUMMARY
Cluster 1. Participation: Single Electronic Register of Legislation (ENER) Portal for Consultation	
1.1: Enhancement of the portal <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Complete 	These commitments aim to provide information on legislative proposals and tools for public consultations. The web portal is now more user-friendly and automatically publishes public comments three days after they are submitted. The government combined ENER with its internal system and reported that, as a result, no draft legislation can be submitted for approval without public review. However, this requirement does not apply in “expedited” procedures, which allow potential avoidance of due consultation. Finally, the Government Mirror site published a total of 48 weekly, 12 monthly and three quarterly reports, which reveal chronic shortcomings with the ENER initiative. When it was launched, ENER for the first time provided access to the government’s deliberations on draft legislation. However, as it is only a tool, ENER cannot enforce rules and inclusive policy making. Further, these commitments do not address other concerns about usability. So, the government should move beyond technical solutions and extend the mandatory public consultations to expedited procedures, confirm that it considers public comments and publishes feedback, and pledge not to submit legislation to parliament without public consultations.
1.2: Strengthen the rules for ENER <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	
1.3: Publication of ENER’s results <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial 	
Cluster 2. Participation: Participatory Policymaking	
1.4: Report on policymaking openness <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	These commitments aimed to strengthen the policy and institutional framework for public participation in policy making. <ul style="list-style-type: none"> • The openness report for 2014 was published in October 2014 and analyzed the inclusiveness of the legislative process at the governmental level. It found less support for and less communication with stakeholders. • Stakeholders also continue to underutilize the e-democracy portal, and its use has decreased over time. The researcher found no activities to promote the use of the portal. • Regarding the Advisory Council, the government published a draft decision to establish the council in November 2014. A second version in early 2015 incorporated many of the comments civil society raised in the first version but not the most crucial suggestions. • On the Code of Good Practice, the General Secretariat has not provided a report on consultations and made only one assessment in 2013 that was limited in its scope. • The Strategy for Cooperation of Government with Civil Society existed before OGP but stalled in the reporting period. The government did not allocate funds for the strategy and has not published an annual report since 2013. • Finally, on proactive disclosure of citizens’ assessment of public services, the IRM researcher found that implementation has stopped and no results have been published since May 2014. Furthermore, the platform for online voting is no longer functional. In recent years, there have been formal improvements in civil society consultation, but CSOs continue to express concern about the difficult climate in which they operate and the limited government commitment to dialogue. Public consultation and coordination with civil society remain insufficient. There are some positive signs, however. For example, civic engagement is on the rise. Moving forward, the government could take the following steps: strengthen administrative capacity for consultations, allocate appropriate resources, and reform public funding to CSOs to ensure that they have the capacity to interact and participate.
1.7: Public awareness and use of participatory policymaking <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	
1.8: Advisory body to encourage the development of civil society <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited 	
1.9: Code of Good Practice for civil society participation <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	
1.10: Strategy for Cooperation of Government with Civil Society (2012-2017) <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	
7.2: Publication of evaluation results of public administration projects <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: None • Completion: Not started 	
Cluster 3. Participation: Capacity Building for CSOs	
1.5: Capacity building of CSOs to monitor implementation of policies <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	These commitments build up civil society watchdog capacity and are based on the planned activities of the Center for Research and Policy Making (CRPM) and funded through the EU. CRPM raised the capacities of seven organizations to monitor policies in more than half of municipalities. While CRPM supported consultations for the second national action plan, its capacity-building activities were limited in scope, and according to one study published in 2015, the average good governance score in municipalities is 3.53 (out of 10).
1.6: Raising awareness about OGP benefits <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	The measures are limited in terms of potential impact and scope, and are also not written with very high specificity or measurability. Furthermore, the commitments refer to activities of CSOs that would have been implemented even if they were not in the action plan. The plan should not include civil society efforts that do not involve authorities because the government cannot be held accountable for activities in which it has no role. Moving forward, the IRM researcher recommends that the government partner with CSOs in the development of the next national action plan to decide on the most important open government challenges relevant for the country and design concrete measures to address them.
4.8: Building capacity of CSOs to monitor local anti-corruption practices <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Complete 	

(Table 2 continued)

Cluster 4. Participation: Education, Cyber Safety, and the Environment	
7.3: Inclusive education for disabled persons <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Limited 	<p>These commitments promote legislative reforms in specific sectors based on proposals and opinion polling of civil society organizations (CSOs). On inclusive educational reform, an initial meeting between Polio Plus and the Ministry of Education took place on 1 April 2015, and the two groups made a commitment for closer cooperation. On a safer Internet and more participation in environmental protection, the IRM researcher did not identify any progress.</p> <p>These commitments are all significantly important for the country. However, the lack of information, the very limited progress, and the previous experiences of civil society could suggest that the government is not committed to their full implementation. The IRM researcher recommends collaboratively designing specific measures and roadmaps to achieve intended goals and to take into consideration the complex nature of the reform areas.</p>
7.4: Center for Safer Internet Action Plan <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Not started 	
7.7: Promote environmental protection <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Not started 	
Cluster 5. Open Data: Standards and Platform	
2.2: Set technical standards for data formats and manner of publication <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Complete 	<p>This cluster aims to support open data by specifying legal, technical, and procedural aspects of data release. In January 2015, the government adopted a rulebook on minimum technical specifications. The new open data portal, launched in July 2014, allows stakeholders to request specific data. The government prioritizes requests that are used to develop applications or new tools as well as boost economic development and job creation. Stakeholders criticized this prioritization. No dataset has been open as a result of a request so far. Finally, regarding the platform to allow a mashup, or combination, of different data, the government has introduced a data intersection function on the open data portal, although with serious limitations. Moving forward, the IRM researcher recommends a new commitment to allow requesters to track the status of their request, provide realistic time-lines, and ensure that, as much as possible, released data satisfies the five-star criteria for open data. Finally, the IRM researcher recommends adapting existing, internationally used platforms for the mashup of data.</p>
2.5: Function to request new datasets <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Complete 	
2.6: Platform for “data mashing” <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Complete 	
Cluster 6. Open Data: Inventories and Proactive Transparency	
2.1: Open public-sector data <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Limited 	<p>These commitments seek to improve the proactive release of the information held by public institutions and to provide datasets in open formats. The government released a total of 154 datasets from twenty-four institutions, but the IRM review suggests that many of the released datasets are of little use to citizens. The government also created a working group with representatives of the eleven pilot institutions that first released data. The list expands as new institutions are included. However, the IRM researcher found no activity on the rest of the commitments. There is no central catalog of available datasets published on the open data portal nor an updated public list of information holders, and half of Macedonia’s public institutions have no website at all.</p> <p>Macedonia needs such efforts. As the participants in the IRM stakeholder meeting pointed out, in some parts of the government a secretive culture still prevails, and some institutions are perceived as unwilling to release the data they hold. While pro-reform agents are using the OGP process to push for more openness, designing specific, realistic commitments adapted to the current context and available resources is crucial for achieving measurable results within a short period of time. Specifically, the government should define measures such as technical assistance or independent evaluators; consider releasing important (requested) information even if it is available only in closed formats; design plans for their transformation of information into open data; develop a monitoring system in a transparent and proactive way; and include stakeholder representatives in the monitoring bodies.</p>
2.3: Central catalog of public-sector data <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Not started 	
2.4: Database for contact person in institutions responsible for data publishing <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Limited 	
3.4: Post and update information holders list <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: None Completion: Not started 	
3.5: Public information on websites <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Not started 	
Cluster 7. Freedom of Information: Human, Operational, and Financial Resources	
2.7: Trainings on Law on Use of Data <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Complete 	<p>The Ministry for Information Society and Administration (MISA) conducted a number of trainings for key personnel within institutions on the new requirements and legal obligation for proactive release of data. They also conducted regular meetings with institutions to clarify issues. Similarly, officials at the Commission for the Protection of the Right to Free Access to Public Information conducted trainings during 2015 targeting two groups: court officials (judges and prosecutors) and municipality officials. The Commission’s new website facilitates electronic access to information, although the Commission stopped publishing its decisions and conclusions in March 2015, and now only provides summary information. Lastly, the Commission’s budget for salaries in 2015 increased by about 4.1%, but the non-restricted funding of the Commission remains unchanged. 2016 will mark the ten-year anniversary since the Law on Free Access to Information was adopted, and the Commission is one of the key institutions that protect this right. The government should allocate a non-restricted budget for the Commission to be able to carry out preventive activities. The Commission should improve its website with a searchable database of decisions. Finally, civil society representatives suggested a proactive release of the most important government-held information.</p>
3.2: Educating information officials <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Substantial 	
3.3: Access to information commission site <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Complete 	
3.6: Improve commission’s resources <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Limited 	

(Table 2 continued)

Cluster 8. Freedom of Information: Legal Reform	
3.9: Amending the Law on Free Access to Public Information <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: None Completion: Substantial 	The Law on Free Access to Public Information was adopted in 2006 and has been amended three times. Additional amendments were adopted in August 2015, outside the period covered by this report. But the changes did not reflect the priorities identified during the public consultations, and the commitment did not specify what the changes would be. Given that, the IRM researcher could not determine what, if any, potential impact the commitment would have. The researcher's review found no progress on the second commitment. Officials in the Ministry of Foreign Affairs reported that the state is unlikely to ratify the convention before it enters into force. Most shortcomings regarding the right to access information in Macedonia are related to the implementation of the law, rather than the legislative framework. Therefore, future commitments need to focus on implementation and compliance across institutions.
3.10: Intersector working group for compliance with Convention of the Council of Europe for access to public documents <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Not started 	
Cluster 9. Freedom of Information: Public Awareness and Partnership Building	
3.1: Raising public awareness <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Substantial 	These commitments build partnerships between the Commission for Protection of the Right to Free Access to Public Information and civil society in order to raise awareness about the right to information. This is crucial as many citizens are unaware of these rights. The Commission held several trainings for journalists, civil society, young people, and academics. Additionally, the Commission organized "open days" in six municipalities and held meetings with young people on access to information. However, the second commitment was not started. The Commission reports it will sign a memorandum in "the upcoming period." The government and the Commission should assess the impact of these activities and incorporate the right to information in the civic education curriculum as a sustainable, long-term measure.
3.7: Memorandum of Cooperation between the Commission, civil society, municipalities <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Not started 	
Cluster 10. Anti-Corruption: Integrity Standards	
4.3: Integrity system guidelines and piloting in municipalities and central institutions <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Limited 	<p>These commitments build on previous efforts from the State Commission for Prevention of Corruption to introduce integrity systems, which provide a framework for assessing risks and employing measures to mitigate those risks, with stakeholders.</p> <ul style="list-style-type: none"> The commission launched a campaign to persuade municipalities to adopt anti-corruption and integrity plans, and a total of 47 municipalities (out of 81) signed the declaration for anti-corruption. However, no national institution has joined the process. The 2013 Common Assessment Framework incorporates risk assessments, but this was implemented prior to the OGP plan. The government has not formally adopted a system to monitor local integrity, although the commission provided trainings for 35 municipal civil servants. Also, the Commission, supported by the UNDP and CSOs, developed two indexes, although they were not fully successful. Finally, CSOs have already developed a methodology and—in partnership with interested public enterprises—are piloting it in an attempt to improve integrity systems. <p>These steps, while positive, are limited in scope. Commitments should support existing reforms, and include key stakeholders from the state authorities, civil society and the business community. Also, the Organization for Economic Cooperation and Development (OECD) provides useful guidance on which a future commitment could be based.</p>
4.4: Method for assessing corruption risks <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: None Completion: Complete 	
4.5: Method for monitoring progress of local self-government integrity systems <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Substantial 	
4.6: Method for civil society monitoring of integrity systems <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Substantial 	
Cluster 11. Anti-Corruption: Laws, Systems, and Whistleblowing	
4.1: Law on Prevention of Corruption <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Transformative Completion: Not started 	The 2002 Law on Prevention of Corruption has undergone seven changes as of this report. In November 2013, the Ministry of Justice started the process to amend the law again, to ensure that risk assessments occur and to introduce whistleblower protection. However, civil society and experts criticized the legislative proposal, and it was withdrawn from parliament in June 2014. A new process to adopt a separate Law on Whistleblowers protection was initiated in July 2015, and a new law was adopted in November 2015. To raise awareness, civil society organized one event, and two media articles were published. The United Nation Development Program (UNDP) supported 'My Municipality,' a platform to assess municipal openness and accountability. The platform covers a total of fifteen municipalities, but was not functional during the period covered by this report. Currently, it only allows users to vote and select on three priority services. Finally, the June 2015 amendments gave the Commission for Prevention of Corruption more authority and set a framework for a central register of all officials. Still, corruption remains a serious problem, and while mechanisms for reporting corruption have been introduced, including these measures in the OGP plan did not prove sufficient to strengthen the fight against corruption. The IRM researcher recommends taking up the legislative revision again but with more participation, designing a specific roadmap for addressing the challenges identified by the EU's Senior Expert Group, considering the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and further strengthening the asset disclosure system through CSO consultation and the recommendations in the Open Government Guide.
4.2: Raise awareness to report corruption <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Limited 	
4.7: IT tools for social responsibility in municipalities and other institutions <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Limited 	
4.9: Define scope of elected and appointed officials subject to asset declaration <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Complete 	

(Table 2 continued)

Cluster 12. Transparency: Health and General Budgets	
3.8: Publish health budget information <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Limited 	<p>The Ministry of Health (MoH) reported a new application to provide all information legally subject to access requests. However, the Association for Emancipation, Solidarity and Equality of Women of Macedonia stated that this is in fact their activity and that they publish information they receive from formal access to information requests. The commitment did not clearly specify what actions the government would take, although the inclusion of the measure in the OGP plan did encourage the proactive release of some data. Regarding the open budget and the citizens' budget, the balance for 2014 budget was published in an open format in September 2015. However, the budget for 2015 is only available as a PDF, and the usefulness of the 2014 budget data is limited. Finally, on independent monitoring of health programs, the Association for Emancipation, Solidarity and Equality of Women of Macedonia reported significant progress in cooperation with the Ministry of Health.</p> <p>Overall, the inclusion of budget transparency commitments in the national action plan has not yet affected the status quo. Significant efforts are needed to achieve public-spending transparency, which is one of the highest priorities for the stakeholders. The government should increase the type and quality of information that is made available. Civil society has also recommended that the government consider mechanisms for civil society and the public to assist the State Audit Bureau in audit investigations.</p>
5.1: Open Budget Initiative <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Transformative Completion: Limited 	
7.5: Women's reproductive health program <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Substantial 	
7.6: Inform women about their rights and services through the program <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Limited 	
Cluster 13. Transparency: Public Procurement	
5.2: Recommendation for publishing annual procurement plans and developing transparency standards for procurement <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Transformative Completion: Limited 	<p>The Bureau for Public Procurement has a sophisticated e-procurement system that publishes data for analysis and monitoring. Local authorities occasionally use this system, but national authorities rarely employ it. The initial, preparatory meeting to develop a basic list of information to be published took place on 29 June 2015. This commitment reflects civil society concerns, takes on their recommendations, and is very relevant. Therefore, the IRM researcher recommends further, basic implementation. Various CSOs monitor public procurement, so expertise already exists that could support implementation. Additionally, the government should start with full disclosure of the most important contracts—for example those above one million euro—and work on a system for proactive disclosure of all contracts. The Open Contracting Partnership could offer technical guidance and support.</p>
Cluster 14. Transparency: Foreign Aid	
5.3: Publication about foreign investment and foreign assistance to Macedonia <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Not started 	<p>The Secretariat for European Affairs (SEA) has maintained a Central Donor Assistance Database (CDAD) for a decade. The IRM researcher found no progress to improve the database on foreign donor assistance. The Agency for Foreign Investments also published no new data during the period. Foreign investments are a controversial topic in the country, so improving access to such data is important. But the IRM researcher only recommends future commitments if they are specific, concrete, and measurable. Otherwise, the government should focus on other priority commitments. Several OGP participating governments that provide foreign aid have included aid transparency in their OGP action plans, like the United States. This may represent an opportunity for collaboration between the two governments.</p>
Cluster 15. Local Open Government: Capacity Building	
6.1: Local capacity building for proactive communication with citizens <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Limited 	<p>The Association of Local Self-Government Units conducted trainings on forums in May 2015, as part of the Forum Program. This program included 10 municipalities in 2014/2015, and a total of 52 consultative sessions with citizens were held in the reporting period. However, there is a lack of coherence among the various local efforts, including overlaps and a lack of information. A clearinghouse or database could be developed to broker different initiatives. The government should also identify how best to incorporate public feedback and how to guarantee the sustainability of the initiative, which is at risk due to lack of funding.</p>
Cluster 16. Local Open Government: Open Budget and Monitoring System	
6.2: Electronic platform with indicators for local services and budgets <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Transformative Completion: Limited 	<p>Given that there is a general distrust on how municipalities spend their budgets, the commitment tackles a very important issue. Half of all citizens believe that municipal tenders are unfairly awarded, and half also agree that companies close to the municipal authorities always take precedence in tendering processes. However, only one e-platform has been established so far, in the Municipality of Gevgelija. It presents key environmental protection data. Most of the remaining activities are planned for the rest of the implementation period, although they might be at risk due to insufficient allocation of resources. The IRM researcher recommends completing this commitment and including in the next action plan a significantly revised version that prioritizes stakeholder-approved data and services.</p>

(Table 2 continued)

Cluster 17. Local Open Government: Increasing Civic Participation	
6.3: Improve local services through direct collaboration <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	These are very important commitments since local governments still lack the capacity to ensure cooperation with CSOs. The government reported putting participatory structures in place in three planning regions and holding annual meetings to share knowledge among different stakeholders. However, those mechanisms existed before the second action plan was adopted. Similarly, the commitment to ensure mandatory local consultations did not begin. Moving forward, the government should finish implementing the commitment, and while doing so, identify the most important local policy decisions that should undergo consultation, and improve those that are already mandatory but poorly conducted.
6.5: Participatory local policymaking <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Not started 	
Cluster 18. Local Open Government: Introducing E-Services	
6.4: Moving local services to e-services <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial 	Although the commitment includes several milestones, there are no measurable deliverables. With the support of UNDP, the Ministry of Local Government prepared a draft study of local e-services, but no agencies have introduced significant e-services at the local level with the exception of some public companies. The main services identified as priority services by the European Union are still not available. The IRM researcher recommends revision of the commitment to specify more clearly how the e-government reforms will target one of the OGP values; otherwise, the commitment should be withdrawn from the OGP action plan.
Cluster 19. Open Government for Consumers	
7.1: Accountability and promotion of informed consumers and service users <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	The commitment aims to advance consumer protection with transparency and participation. This is very relevant considering the inefficiencies of current consumer protection structures. While local consumer councils were established in some municipalities including Skopje, their work is limited. Similarly, the national Consumer Council met only once in 2014. The Ministry of Economy launched the annual public call for support of consumer protection organizations in January 2015. Thus, further efforts are needed. Local self-government units should establish Consumer Protection Councils, strengthen their capacity, and institute participation mechanisms. This, however, requires resources. A new EU-funded project on consumer protection began in July 2015 and could support the achievement of the commitment.

RECOMMENDATIONS

The period covered in this review has been one of the most turbulent in the history of the country. Trust in institutions eroded, space for civil society shrank, media freedoms continued to deteriorate, and consultations for major reforms were lacking. It is encouraging that the action included several commitments on key issues to stakeholders and the nation at large, but overall the action plan is limited in scope and ambition. Many commitments were vague or only included minor first steps.

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

<i>TOP FIVE 'SMART' RECOMMENDATIONS</i>
1. The third national action plan should focus on substantial problems already identified in the previous years of the OGP process in Macedonia. These problems should be matched with transformative but realistic commitments that can be achieved in a two-year action plan.
2. The development of the next action plan should be at least as inclusive as the second plan. The process should also continue to be transparent and allow for more diverse stakeholder participation. Consider using participatory deliberative methods to ensure that commitments are prioritized and the action plan is focused.
3. Allocate resources, including budget allocations, for the implementation of the OGP action plan. If resources are limited, prioritize commitments.
4. The next plan should focus on commitments to ensure reforms from the following key areas, all identified as potentially transformative priorities by stakeholders or the researcher's analysis of the national context: <ul style="list-style-type: none"> • Budget transparency, including transparency of public spending and payments • Quality of data management and record keeping within state and public institutions • Effectiveness of the institutional mechanism for public participation • Safeguards for the right to free expression, freedom of the press, and right to assembly
5. Engage parliament in the process to foster public trust in the institution. Consider participating in the Open Parliament initiative.

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

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

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I. National Participation in OGP

History of OGP Participation

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

Macedonia began its formal participation in September 2011, and soon after Foreign Minister Nikola Popovski declared his country's intention to participate in the initiative in August 2011.¹

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

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

Macedonia developed its first national action plan from January to April 2012.² The development of the second national action plan began in January 2014, according to the OGP schedule. The effective period of the implementation of the second action plan was officially 1 July 2014 through 30 June 2016. Macedonia published its self-assessment on the second action plan in September 2015.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Neda Korunovska at Reactor-Research in Action, a non-partisan think tank based in Skopje.³ Korunovska evaluated the development and implementation of Macedonia's second action plan. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country. Methods and sources are dealt with in a methodological annex in this report.

Basic Institutional Context

The Ministry of Foreign Affairs (MFA) was the leading authority responsible for Macedonia's *initial* involvement in OGP,⁴ after which the government decided to transfer the coordination of the implementation of OGP to the Ministry for Information Society and Administration (MISA).⁵ The MFA suggested establishing an inter-ministerial OGP working group in 2012 composed of relevant ministries and agencies, civil society, and businesses. However, the government did not decide to establish such a working group until May 2014,⁶ and the working group was not actually established until February 2015.⁷

Macedonia's participation in OGP took place as the public sector continued to reform structural processes and institutions. This included a strong commitment to open government reforms and e-government. In 2010, the government adopted a three-year National Strategy for E-Government,⁸ which was followed by the Strategy for E-Inclusion in 2011.⁹ The government established many of the action plan commitments prior to OGP as part of these ongoing reform processes.

The overall implementation pace has stalled due to domestic political dynamics, but where the commitments correspond with EU integration reforms implementation has been more effective.¹⁰ The "Country Context" section of this report deals with this issue in more detail.

MISA, supported by the World Bank, developed the first action plan. While MISA invited other ministries and responsible authorities to participate, the ministry limited the involvement of other institutions, even those directly responsible for particular commitments. This changed dramatically during the development of the second action plan in 2014, which was a more comprehensive consultation process (see Section II on "Development of Action Plan").

Legally, MISA has a wide mandate¹¹ with its principal responsibilities close to the OGP values. These range from "developing and promoting the information society" to reforming public administration and regulatory supervision. However, MISA does not have legal power to enforce or coordinate policy change except in the areas related to the management of human resources in the administration. This has led to various challenges for MISA within the context of OGP. Legally, MISA had to provide quarterly information on the status of OGP to the government, and this quarterly information was based on reports from the chairpersons of the various working groups established under the action plan. However, MISA sometimes faced difficulties coordinating OGP implementation due to the large number of ministries and institutions involved in the action plan as well as a lack of staff exclusively dedicated to OGP. Additionally, no specific budget has allocated support for the implementation of the second action plan, nor coordination or awareness-raising activities.

Methodological Note

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In Macedonia, the IRM partnered with Reactor-Research in Action (Reactor). Neda Korunovska reviewed the government's self-assessment report, gathered the views of civil society, and interviewed appropriate government officials and other stakeholders. OGP staff and a panel of experts reviewed the report.

This report follows on an earlier review of OGP performance, "Macedonia Progress Report 2012-2013," which covered the development of the first action plan as well as its implementation from 1 July 2012 to 30 June 2013.

To gather the voices of multiple stakeholders, Reactor organized two stakeholder forums in Skopje, and conducted them according to a group interview design. Reactor also conducted an online survey on OGP targeting civil society and gathered fifty-four responses. Finally, Reactor also reviewed three key documents prepared by the government: the second national action plan,¹² three quarterly reports on the implementation of the plan,¹³ and the self-assessment published by the government.¹⁴ Numerous references are made to these documents throughout this report.

Summaries of these forums and more detailed explanations are given in the annex.

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- ¹ See Macedonia's Letter of Intent, available at: <http://www.opengovpartnership.org/country/macedonia>.
- ² First National Action Plan (2012-2014). Available at: <http://bit.ly/1KipQTd>.
- ³ More about Reactor – Research in Action can be found at: <http://reactor.org.mk>.
- ⁴ Mihajlo Zevairovski, Directorate for Multilateral Relations, Ministry of Foreign Affairs, Interview, 29 October 2013.
- ⁵ Government of the Republic of Macedonia, 2012. Government's conclusion following information about activities toward Becoming Full Member of the Open Government Initiative. 46th Government Session held on 12.02.2012, according to an interview with Mr. Zevairovski, MFA.
- ⁶ Government of the Republic of Macedonia, 2014. Conclusion on point 45 from the 260th government meeting held on 20 May 2014.
- ⁷ MISA, 2015. Decision for the establishment of working groups of all stakeholders for implementation of the Action plan for OGP 2014-2016, February 6, 2015.
- ⁸ Government of the Republic of Macedonia, National Strategy for E-Government 2010-2012 (2010). MISA: http://www.mioa.gov.mk/files/pdf/dokumenti/Strategija_za_e-Vlada-05.03.2010.pdf [In Macedonian].
- ⁹ Government of the Republic of Macedonia, National Strategy for E-Inclusion 2011-2014 (2011). MISA: http://www.mioa.gov.mk/files/pdf/dokumenti/Strategija_za_e-vklucivanje.pdf [In Macedonian].
- ¹⁰ Assessment by the Center for Research and Policy Making, "Open Government Mapping Report" (2013) <http://bit.ly/1LSipI>.
- ¹¹ Law on Organization and Operation of the State Administration, Official Gazette of the Republic of Macedonia No.58, Articles 13 and 26a (2000).
- ¹² Government of the Republic of Macedonia, *Action Plan for Open Government Partnership 2014-2016* (Skopje: 2014). Accessible at: <http://bit.ly/1LJeUmU>.
- ¹³ Available in Macedonian on the e-democracy portal: <http://bit.ly/1OMKmkz>
- ¹⁴ Government of the Republic of Macedonia, Mid-Term Self-Assessment Report of the 2014-2016 Action Plan for Open Government Partnership (2015). Accessible at: <http://bit.ly/1XiBMxI>.

II. Process: Action Plan Development

The development of the second OGP action plan was inclusive and allowed various stakeholders—including state administration, civil society, and local government—to participate and contribute. The process was announced punctually with a time line made available five days before the consultations started. A total of three drafts were available for public input. However, the process was donor dependent and focused on civil society, mostly leaving out other stakeholders such as the business sector or academia.

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

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

A fifth requirement during consultation is set out in the OGP Articles of Governance. This requirement is dealt with in “Section III: Consultation during Implementation”:

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

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

Table 1: Action Plan Consultation Process

Phase of Action Plan	OGP Process Requirement (Articles of Governance Section)	Did the government meet this requirement?
During Development	Were timeline and process available prior to consultation?	Yes
	Was the timeline available online?	Yes
	Was the timeline available through other channels?	Yes
	Provide any links to the timeline.	http://bit.ly/1MASEsH
	Was there advance notice of the consultation?	Yes
	How many days of advance notice were provided?	30
	Was this notice adequate?	Yes
	Did the government carry out awareness-raising activities?	No ¹
	Were consultations held online?	Yes
	Provide any links to online consultations.	http://bit.ly/1rRsrRm

	Were in-person consultations held?	Yes
	Was a summary of comments provided?	Yes
	Provide any links to summary of comments.	No summary of public comments is available. Individual submissions are available online at e-democracy portal. [http://bit.ly/1CCUcQf]
	Were consultations open or invitation only?	Open
	Place the consultations on the IAP2 spectrum. ²	Collaborate
During Implementation	Was there a regular forum for consultation during implementation?	No
	Were consultations open or invitation only?	Open ³
	Place the consultations on the IAP2 spectrum.	Inform

Advance Notice and Awareness-Raising

Interested parties had advance warning of the consultation process via a notice published on the website of the MISA one month in advance.⁴ MISA's notice provided a general time frame and called for active participation by all stakeholders. A detailed schedule was later published on the e-democracy portal and sent by e-mail a week before the official beginning of the consultation process.⁵ The National Coordinator for OGP within the government liaised with relevant CSOs and the IRM national researcher to plan the consultation process. For this purpose, a coordination meeting was held on 13 February 2014 to discuss best approaches and schedule the consultation process,⁶ and the consultation process started on the 28 February 2014.

Awareness-raising activities were donor dependent and targeted only civil society organizations (CSOs). Namely, several workshops were organized for CSOs within a regional EU funded project.⁷ The National Coordinator for OGP participated and co-hosted those events, but no other efforts aimed at raising awareness were organized. One result of this was a lack of participation of the business community, which was consulted on an equal footing during the preparation of the first national action plan.

Depth and Breadth of Consultation

The government made significant efforts to involve various stakeholders in the process of consultations for the development of the second action plan. It also used a variety of consultation types and involved civil society from the beginning, seeking feedback about the types and forms of consultations.⁸

A total of 124 representatives of government institutions, independent state institutions, local government, civil society, and the international community participated in three main public consultation meetings, held in Skopje.⁹ Additionally, interested organizations could also engage online on the e-democracy portal, where state institutions submitted two written contribution, and civil society organizations and coalitions submitted seven.¹⁰ While the consultations were inclusive, they did not involve the business sector or academia. The Center for Research and Policy Making (CRPM) reported it had invited business representatives for the last consultative meeting but the efforts to include them were not fruitful.

The meetings took place only in the capital, Skopje. The last meeting allowed for compensation of travel expenses of participants, which made it more accessible for

participants outside of Skopje. However, less than 10% of the participants came from other parts of the country.

The MISA partnered with one civil society organization, the CRPM, to organize the consultations under an EU funded project.¹¹ While this was a positive step in terms of mobilizing more engagement from civil society,¹² some civil society representatives felt that it overly depended on the network of contacts of the CRPM and MISA. This may be one reason why certain stakeholders such as media, academia, and the business sector were not involved in consultations, despite attempts to include all interested parties.

During the IRM review, the researcher sent an online questionnaire to the participants of the consultation requesting feedback on the quality and breadth of the consultations.¹³ Participants provided positive feedback for the consultations and felt that the process was meaningful and allowed for a diverse range of views.

The consultations were organized according to the seven thematic areas of the action plan, and the main responsible institution facilitated the discussions during the consultations under their thematic priority. Civil society stated that design reflected on the process, where the lead institutions shared power differently depending on their capacity and openness, although in general stakeholders were involved in decision making. Additionally, some lead institutions organized follow-up meetings to work on their thematic priority, but this was not mainstreamed for the whole action plan. Lastly, while some of the commitments in the action plan envisage legislative reform, parliament was not involved during the consultation process.¹⁴

¹ While the government did not organize any events, they actively participated in events organized by civil society.

² International Association for Public Participation, "IAP2 Spectrum of Political Participation," <http://bit.ly/1kMmlYC>.

³ While the Ministry for Information Society and Administration formally appointed the members, interested civil society organizations could nominate a representative.

⁴ <http://www.mioa.gov.mk/?q=node/3627>.

⁵ The time frame was published at <http://e-democracy.gov.mk>, but it is no longer available.

⁶ A total of five CSO representatives were present at the meeting. OGP IRM notes from the meeting.

⁷ Project Advocacy for Open Government: Supporting the Right to Know in South East Europe. More info at: <http://pasos.org/10251/pasos-project-spotlight-advocacy-for-open-government/>.

⁸ The OGP National Coordinator, Mrs. Irena Bojadzieva, organized the initial meeting with civil society organizations working on OGP-related issues. IRM personal notes.

⁹ List of participants from the three consultation meetings held, made available to IRM.

¹⁰ Total of 29 CSOs contributed. Comments are available in Macedonian only at: <http://e-demokratija.gov.mk>.

¹¹ Ibid, Project Advocacy for Open Government.

¹² More about those consultations could be read at OGP blog: <http://www.opengovpartnership.org/blog/qendresa-sulejmani/2014/04/22/together-ogp>.

¹³ A total of thirteen responses were received. More information about the questionnaire and the survey can be found in the methodology section at the end of the report.

¹⁴ While practically it could not have been involved since it was an election year, there is also no practice in Macedonia of involving parliament in government procedures on any issue.

III. Process: Action Plan Implementation

The Ministry of Information Society and Administration (MISA) coordinates the implementation of Macedonia's OGP action plan. Starting from January 2015, the government also established coordinative working groups for each of the seven priority areas. The lead agency for each priority area chairs the corresponding working group, and the working groups represent a multi-stakeholder forum on OGP implementation.

Civil society participates on an equal footing in the working groups. While the members were formally appointed by the Minister for Information Society and Administration, interested civil society organizations could nominate a representative. In practice, however, that rarely happened due to a lack of awareness and information, and membership was limited to organizations that were involved in the development of the second national action plan. This section summarizes the activities of the working groups.

Regular Multi-Stakeholder Consultation

In January 2015, the government formally established new working groups tasked with monitoring the implementation of the second national action plan. The working groups produced quarterly progress reports, which were then submitted to the government. This significantly improved access to information on implementation and addressed the concerns raised in the previous IRM review process about the lack of a multi-stakeholder, regular consultation forum.

No overseeing agency regulated the working groups, and it was left to the chairpersons to decide the format of the consultations. As a result, the actual work differed among the different groups. In practice, consultations were held mainly through e-mail exchanges apart from the initial in-person meetings.¹ Only one working group, which focused on the seventh priority area on public services, did not have any consultations or communication between government and stakeholders. This was the only priority area that was chaired by a nongovernmental organization.

Generally, the working groups exchanged information on implementation only before the deadline for the quarterly progress report. All information that was gathered, including comments received by civil society, was incorporated by the MISA into the final, consolidated quarterly report. However, the number of comments from civil society was minimal, and most of the members participated passively, usually not providing any feedback for the quarterly reports. This may have been the result of the short time frame provided for consultation and feedback on these quarterly reports, usually a period of fewer than five days.

The responsible institutions appointed their representatives in the working groups in the same way that civil society did. (The list of civil society members is provided in the methodological annex.) However, many of these members did not participate in the initial meeting or did not contribute to the online conversations.

In terms of geographical representation, some civil society members have raised concerns that there is no support for organizations coming from outside the capital, so their participation is limited.² This is particularly important for the working group focused on local government. Civil society has proposed utilizing new technologies to support greater engagement.

In terms of gender representation, the majority of the members in the group are women.

The day-to-day work of the groups was not publicly available, including the minutes of official meetings, but quarterly reports were made available to the public via the e-

democracy portal, e-democracy.gov.mk. However, public discussions on the portal were limited to reporting progress, and only three working groups—those working on open data, fiscal transparency, and openness on the local level—took the initiative to draw conclusions and request additional follow-up activities.

In order to get feedback on the effectiveness of the working groups, the IRM researcher conducted a survey among working group members.³ Overall, members reported general satisfaction with the working groups,⁴ with civil servants slightly more satisfied overall than civil society representatives. Civil society was less optimistic than civil servants that the working groups allowed different opinions to be heard, provided adequate information and time frames, allowed for ‘substantial’ consultations and that all members could equally affect the decisions made within the working groups⁵. Despite this, civil society representatives were more optimistic about participating in the working groups and more likely to believe that the working groups were a good mechanism for supporting implementation of the OGP action plan⁶ and that the working groups were not just formalities but actually contributed to better implementation of the action plan.⁷

The IRM researcher also asked respondents to give general feedback. In total, six members provided additional written comment.⁸ Most of the members suggested that the groups should meet more than once every three months in order to really make an impact. They also suggested using existing online platforms to improve continuous discussion and to promote coherence among different working groups.

One civil society member complained that representatives of the state institutions do not have the authority to make decisions, which limits the impact of the groups. In other words, the government accepts the working groups’ technical suggestions, but cannot make the substantial reforms necessary for improving government practice.

¹ The IRM researcher participated in the work of the groups as an observer. At the initial meetings, she described the role of the IRM, but no further comments were made. In total, six meetings were observed.

² Qëndresa Sulejmani, *Working Groups and the Implementation of the OGP Action Plan in the First Quarter* (Skopje: CRPM, 2015), 5-6.

³ A total of 19 responses were received. More about the survey and its results can be found in the methodological annex.

⁴ Average grade was 3.89 on a scale from one to five, where five means completely satisfied and one not satisfied at all.

⁵ Statistically significant difference, $t(14) = 2.09$: $p < .05$.

⁶ However, these differences are not statistically significant.

⁷ Statistically significant difference, $t(14) = 2.32$: $p < .05$.

⁸ The responses came from four civil servants and two representatives from the civil society. Contributions were anonymous.

IV. Analysis of Action Plan Contents

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

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

Access to Information

Commitments around access to information:

- Pertain to government-held information, as opposed to only information on government activities. As an example, releasing government-held information on pollution would be clearly relevant, although the information is not about "government activity" per se;
- Are not restricted to data but pertain to all information. For example, releasing individual construction contracts and releasing data on a large set of construction contracts;
- May include information disclosures in open data and the systems that underpin the public disclosure of data;
- May cover both proactive and/or reactive releases of information;
- May cover both making data more available and/or improving the technological readability of information;
- May pertain to mechanisms to strengthen the right to information (such as ombudsman's offices or information tribunals);
- Must provide open access to information (it should not be privileged or internal only to government);
- Should promote transparency of government decision making and carrying out of basic functions;
- May seek to lower cost of obtaining information; and
- Should strive to meet the 5 Star for Open Data design (<http://5stardata.info/>).

Civic Participation

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

Commitments addressing public participation:

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

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

- Can include elements of access to information to ensure meaningful input of interested members of the public; and
- Often include the right to have your voice heard, but do not necessarily include the right to be a formal part of a decision-making process.

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

- Reforms increasing freedoms of assembly, expression, petition, press, or association;
- Reforms on association, including trade union laws or NGO laws; and
- Reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions.

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

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as “access to information”);
- Commitments on decentralization that do not specify the mechanisms for enhanced public participation; and
- Commitments that define participation as inter-agency cooperation without a mechanism for public participation.

Commitments that may be marked of “unclear relevance” also include those mechanisms where participation is limited to government-selected organizations.

Public Accountability

Commitments improving accountability can include:

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

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

- Disclosure of non-sensitive metadata on institutional activities (following maximum disclosure principles);
- Citizen audits of performance; and
- Citizen-initiated appeals processes in cases of non-performance or abuse.

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

Examples of strong commitments include:

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

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

Technology and Innovation for Openness and Accountability

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

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

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

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

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

Key Variables

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

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

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

2. The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
3. The commitment would have a "transformative" potential impact if completely implemented.
4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of "substantial" or "complete" implementation.

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

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

- 2.2: Standards for proactive open data access
- 4.6: CSO integrity monitoring

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

General Overview of the Commitments

Macedonia's OGP action plan consists of 51 individual commitments grouped under the following seven priorities: (1) participatory policy making; (2) open data; (3) freedom of information; (4) prevention of corruption and promotion of the good governance principles; (5) efficient public resource management (fiscal transparency); (6) openness at local level; (7) improved services and protection of consumers and of the citizens—users of services and rights. The implementation of the measures is entrusted to a total of 43 competent state and local institutions, civil society, and international organizations that are indicated as implementing lead organizations or partners.

In general, the second action plan follows the structure of the first action plan. The priority areas remain the same with the exceptions of two priority areas that were merged into one and one priority area, which aimed to stimulate scientific research by making information more accessible, which was dropped. Notably, this priority area in the first action plan included measures that were proposed by civil society organizations and were considered to have transformative power, and so the previous IRM progress report recommended its continuation. However, the government self-assessment did not provide information on those measures, nor did the second action plan provide an explanation on why those measures were cancelled. According to interviews with government officials, the responsible authorities reported that those measures were not possible due to data privacy. Civil society, however, insisted that some aggregated form of data release could be a potential solution.¹

The second action plan substantially increased the number of commitments: from 35 commitments in the first action plan to the current 51. However, the IRM assessment of the commitments reveals that their ambition is lower, because only six commitments are potentially transformative. Furthermore, taking into consideration that the first action plan had a low completion rate (only eight commitments were substantially or fully completed), civil society representatives considered this action plan to have too many commitments, making its achievement unrealistic.

Clustering

The IRM has grouped Macedonia's commitments in 19 clusters because of overlapping measures and to facilitate analysis due to their contextual relationship. Commitments (and their multiple milestones) have been grouped together on a single fact sheet by cluster in order to avoid repetition and to make reading easier for OGP stakeholders. To the best of the author's ability, the order of the commitments has been preserved from the second action plan. New shorter names of the commitments were given to match the format of this report. The following table depicts the clusters:

New Cluster Name	Short Commitment Name and Original AP Numbering ²
1. Participation: Improving ENER	1.1: Technical improvements
	1.2: Legal improvements
	1.3: Publishing results of ENER
2. Participation: Participatory Policymaking	1.4: Assessing impact of the 'Government Mirror'
	1.7: Use of e-democracy by stakeholders
	1.8: Civil Society Council
	1.9: Code of Good Practice
	1.10: Strategy for Cooperation with Civil Society
	7.2: Publication of citizens' assessment of public services
3. Participation: Capacity Building for Civil Society Organizations (CSOs)	1.5: Capacity building for civil society
	1.6: OGP awareness raising
	4.8: Anti-corruption research and LOTOS Study
4. Participation: Education, Cyber Safety, and the Environment	7.3: Inclusive education
	7.4: Center for Safer Internet Action Plan
	7.7: Participation in environmental protection
5. Open Data: Standards and Platform	2.2: Standards
	2.5: Dataset requests
	2.6: Data mashup platform
6. Open Data: Inventories and Proactive Transparency	2.2: Proactive open data access
	2.3: Open data catalog
	2.4: Open data contact persons
	3.4: Access to information contact persons
	3.5: Proactive access to information
7. FOI: Human, Operational, and Financial Resources	2.7: Trainings on use of data
	3.2: FOI trainings
	3.3: Commission website
	3.6: Commission resources
8. FOI: Legal Reform	3.9: Amending FOI Law
	3.10: Working group on Council of Europe convention on access to information
9. FOI: Public Awareness and Partnership Building	3.1: Public awareness about right to information
	3.7: Memo of Cooperation
10. Anti-Corruption: Integrity Standards	4.3: Integrity system pilots
	4.4: Methodology for risk assessment
	4.5: Local self-government integrity index
	4.6: CSO integrity monitoring
11. Anti-Corruption: Laws, Systems, and Whistleblowing	4.1: Integrity systems and whistleblower protections
	4.2: Anti-corruption awareness raising
	4.7: IT tools for social responsibility
	4.9: Scope of asset declaration
12. Transparency: Health and General Budgets	3.8: Transparent health budget
	5.1: Open Budget Initiative
	7.5: Analysis of Women's Health Program
13. Transparency: Public Procurement	7.6: Awareness raising on Women's Health Program
	5.2: Public procurement transparency
14. Transparency: Foreign Aid	5.3: Transparency of foreign aid and investments
15. Local Open Government: Capacity Building	6.1: Local open government: Capacity building

16. Local Open Government: Open Budget and Monitoring System	6.2: Local open government: Open budget and monitoring system
17. Local Open Government: Increasing Civic Participation	6.3: Participation in local services
	6.5: Participatory, local policy making
18. Local Open Government: Introducing E-Services	6.4: Local open government: Introducing e-services
19. Open Government for Consumers	7.1: Open government for consumers

¹ Ms. Irena Bojadzieva, IRM personal interview, 2 September 2014.

² For example, 4.3 stands for Priority 4, Measure 3 from the OGP action plan.

Cluster 1- Participation: Improving ENER (Single Electronic Register of Legislation) Portal for Consultation

Action plan commitment text:

1.1. Enhancement of the ENER portal and optimization of the process of public consultation:

- a. *Reducing the required information for registration of public user;*
- b. *Fusing of the existing four types of users [...] in one type of user named as public user;*
- c. *Automatic publishing of [user] comment [upon] configured timeout period [...];*
- d. *Categorizing the proposed regulations [in] the Register of the Official Journal...;*
- e. *Introducing [...] automatic posting of the notice to start the process of preparing legislation, announcement of public hearings on draft laws and plans for RIA;*
- f. *Promotional campaign [...] at [...] (private sector, NGOs, citizens, academia, chambers.*

Start date: 1/9/2014

End date: 30/9/2015

1.2. Strengthening the rules for work and use of ENER;

- a. *Adoption of Guidelines for administering and using of ENER [...]*
- b. *Establishing rules and conditions for using ENER, primarily intended for public users*

Start date: 1/9/2014

End date: 30/9/2015

1.3. Publication of the results of using ENER - " Mirror of the Government ":

- a. *Weekly Review - informing the public on the draft laws posted on ENER;*
- b. *Monthly Summary [...] of the number of draft laws [...], the average number of days for consultation [...], an average of [...] exceptions from the statutory minimum of 10 days for consultation [...];*
- c. *Quarterly and annual reports - analysis of [...] publishing, updating and respect of deadlines for draft legislation [...], as well as for providing feedback to the public.*

Start date: 1/9/2014

End date: 30/9/2015

Lead institutions: Ministry of Information Society and Administration (MISA)

Supporting institutions: Macedonian Center for International Cooperation (CSO)

Editorial Note: The IRM researcher clustered these commitments together for analysis because they all involve the ENER portal. Further, the full text of the commitments' sub-activities has been abbreviated, indicated by [...].

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
1.1: Technical improvements				✓		✓		✓		✓						✓
1.2: Legal improvements			✓			✓		✓		✓			✓			
1.3: Publishing results of ENER				✓	✓	✓	✓	✓		✓				✓		

What Happened?

All three commitments aim at improving participatory policy making by providing timely information on legislative proposals and tools for public consultations.

The first commitment aims to provide technical improvements to the Single Electronic Register of Legislation, “ENER”. The web portal is now more user-friendly with an improved interface, lowered requirements for subscription, and an expanded search function achieved by aligning legislative categories with the Official Gazette.¹ Now, public comments are automatically three days after their submission.² This could suggest that government officials do not take the comments into consideration, especially since they respond to very few comments even though, according to the Methodology for Regulatory Impact Assessment, comments received through ENER should be included in the impact assessment.³ MISA reported, and civil society representatives confirmed, that the government made efforts to raise awareness about the improvements, including publishing a video⁴ and three trainings for 60 civil servants.⁵ Civil society also published a guide explaining the ins and outs of ENER.⁶

The 2014 technical advances are the platform’s second set of significant improvements; the first set was implemented in 2012 within the frame of the first OGP action plan.⁷ The number of people visiting the ENER portal has greatly increased,⁸ with the government reporting a significant boost in total visits from 25,122 in 2012 and 83,711 in 2013 to 241,281 by July 2015 as reported in the government’s self-assessment. It is unclear whether the current use is at optimum levels, where there remains a large discrepancy in interest for different legislative proposals. For instance, the bulk of public commentary focuses on only a few proposals,⁹ leaving most draft legislation without online contributions.¹⁰

The second commitment aims at strengthening the legal basis for the use of ENER to remedy shortcomings in practice. The government planned to adopt a rule by September 2015 that would ensure the obligatory and automated use of ENER in all stages of the legislative process. The government, however, did not adopt the rule, so the progress on the second commitment is limited. But the government did report that ENER was merged into the e-government intranet and that, as a result of this merger, the parliament cannot submit draft legislation for approval unless it has already been published on ENER for public review.¹¹ The Minister for Information Society and Public Administration announced that the technical improvements of ENER provide a safeguard for public consultations. “No laws will be passed if they are not published on

ENER,” he stated at a press conference on 25 December 2014.¹² However, without legal backing, the technical solution does not apply when laws are deliberated in an expedited procedure. While this procedure should only apply in exceptional cases,¹³ experts have warned that very often the government uses this method even when those conditions are not met.¹⁴

The last commitment in the cluster is the Government Mirror, a civil society initiative to track and publish results of using ENER. Note that while the government did not have a role in the commitment as written, it does publish the findings and results at the ENER portal, making them more accessible, and it also follows up on the recommendations provided in the Government Mirror reports. Four different types of reports are published:

1. Weekly reports announcing new legislative proposals published at ENER;
2. The monthly reports looking at the fulfillment of the requirements for minimum period of public consultations;
3. Quarterly reports providing in-depth analysis of the practices of ministries in publishing, updating, and providing feedback to the public on the draft laws published on ENER; and
4. Annual reports (discussed under the next cluster).

Substantial progress was made. A total of 48 weekly, 12 monthly, and three quarterly reports were published in the reporting period¹⁵ and are available online on the project website as well as on ENER. The reports reveal chronic shortcomings in implementation of the ENER initiative:¹⁶

- Information on ENER is not published in a timely fashion, and there are significant deviations from the minimum period for consultations of 10 days.
- Consultations with stakeholders during development of policy and legislative proposals are almost nonexistent.
- Notices to alert the public about new proposed legislation are formally published only after the proposal is drafted and approved by the government.
- While the portal has received more page views, the utilization of ENER is still very low. The public commented 49 times on only 20 of the 162 draft bills, and the government responded to only 14 of those comments.¹⁷

An Internet archive search by the IRM researcher found that during the reporting period a total of 336 laws were passed, out of which only 146 were published on ENER. Of those published on ENER, 43 (or 29%) did not fulfill the minimum period of ten days for consultations. This is an improvement from the 47% of laws that did not go through the minimum required period of consultations, as reported by the Government Mirror for the period September 2013–September 2014. However, there is cause for concern because the government is adopting a substantial amount of legislation in expedited procedures, thus bypassing the rules for consultation.¹⁸ For example, the IRM researcher found that in the reporting period 119 of the 336 laws adopted by parliament went through an expedited procedure. Other shortcomings include outdated status on ENER of the legislative proposal, absence of consultation during Regulatory Impact Assessments (RIA),¹⁹ and a lack of public comments and responses.

Did It Matter?

When it was promoted in January 2009, ENER provided for the first time access to draft legislation that is still in deliberation within the government. The commitments provide for improved access to draft legislation, including technical advancements that significantly improve usability and searchability. The improvements attempted to address shortcomings identified by civil society,²⁰ who complained that access was provided too late in the process to allow for meaningful participation. Their criticism

stems from the government only making acts available right before final approval when most of the decisions and revisions had already been made. Thus, ENER originally increased access to draft legislation, allowing civil society to prepare and start working with members of the parliament earlier.

Pro-reform agents within the government have used the tool to push for more inclusive policy making, and many of the technical improvements, in fact, try to ensure that process is followed and that ENER is used across ministries. Improvements also address public participation, such as automatically publishing comments after three days rather than waiting for comments to go through an approval process.

However, ENER cannot enforce rules or mandate inclusive policy making, as it is only a tool, and some civil society representatives have raised the concern that a tool cannot accomplish the goal of inclusive, participatory government without the political will to utilize it.²¹ In one instance, the Student Plenum, an informal student organization that has mobilized over 10,000 students and citizens to protest against higher education legislation, has criticized the consultation process and has pointed out irregularities in the use of ENER. The group has noted that the Law on Higher Education was not published on time, that the regulatory impact assessment did not contain all public comments received, and that the government did not give a reason for not including all comments.²² Therefore, the government is taking a positive step by planning annual reviews of ENER and RIA to identify areas of further improvement with the guaranteed participation of the private and civil sector.²³

Other concerns about usability remain unaddressed by these commitments, including some that were found in the previous IRM review and were again raised in the IRM stakeholders' forum for this report. For example, one of the innovations in ENER is a special, dedicated part for the Regulatory Impact Assessments (RIA). Annual plans for RIA should be published to ensure the timely dissemination of information to stakeholders on actions and dynamics for all planned bills. However, by the end of the period that this report evaluates, only one ministry has utilized this option, and it is limited to two legislative proposals.²⁴ Civil society stressed that technical improvements could only provide tools but that without a cultural shift toward using the tool there cannot be inclusive policy making.²⁵

Since these commitments would make positive, but limited, steps toward addressing users' concerns about ENER, the IRM researcher considered these commitments to all have a minor potential impact.

Moving Forward

The IRM researcher recommends further work on the existing implementation. While there is progress in the implementation, significant issues need to be addressed further in order to achieve the intended goals. Namely, the government should, as recommended in the previous IRM report, move beyond just technical solutions to:

1. Extend the mandatory public consultations through ENER to bills adopted in an expedited procedure as well as delegated secondary legislation;
2. Confirm that public comments are taken into consideration and feedback from consultations is published in a timely manner;
3. Increase time frames for consultations by aligning them with regional and European standards of at least two weeks;
4. Raise trust among stakeholders by showcasing a track record of genuine consultations made during the RIA as well as through ENER; and
5. Pledge not to submit a single piece of legislation to parliament without public consultations during deliberations.

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- ¹ The IRM researcher subscribed to ENER and tested its usability during the period covered with this report.
- ² MISA, *Users Instructions for Government Editors* (Skopje: MISA), 7, available at: <http://bit.ly/1WMLIV4> [In Macedonian].
- ³ Article 3.1 Aim and Content of a Report of the Regulatory Impact Assessment, paragraph 3 and Article 25 of the Guidebook for the Work of the Ministries in the Process of Implementation of the Regulatory Impact Assessment.
- ⁴ Accessible at: <http://bit.ly/1MRTlBm>.
- ⁵ MISA, *Mid-Term Self-Assessment Report for OGP Action Plan 2014-2016* (Skopje: MISA, 2015), 7.
- ⁶ Marija Sazdevski, *Guide through the Novelties of ENER* (Skopje: MCIC, 2015). Accessible at: <http://bit.ly/1QM1Lf4> [In Macedonian].
- ⁷ Neda Korunovska, *Independent Reporting Mechanism, Macedonia: Progress Report 2012-2013* (DC: OGP IRM, 2014), 26-28, <http://bit.ly/1GBWmoq>.
- ⁸ European Commission, *Macedonia's Progress Report for 2014* (Brussels: EC, 2014), 8.
- ⁹ Gordana Gapikj Dimitrovska, MISA, personal interview with author, 19 August 2015.
- ¹⁰ European Commission, *Annual Progress Report for 2015* (Brussels: EC, 2015), 9. Available at: <http://bit.ly/1Mm2PRM>.
- ¹¹ MISA, *Self-Assessment Report*, 7.
- ¹² Ivo Ivanovski, *No Laws Will Be Passed Without Being Published on ENER*, press-conference statement, 25 December 2014. Available at: <http://vlada.mk/node/9964> [in Macedonian].
- ¹³ According to the law, the government can propose and the assembly can accept whether to adopt a law in expedited procedure. By law, the following rules apply: it is not the case of complex and extensive law; the law or some provisions of a law cease: or when it is not the case of complex and extensive harmonization of the law with the legislation of the European Union.
- ¹⁴ OSCE/OIDHR, Legislative Paper: "Law Drafting and Regulatory Management in the Former Yugoslav Republic of Macedonia" (Warsaw: 2007), 32-33, <http://bit.ly/1SS7YFj>. "The scope for abuse inherent in the existing procedures needs to be curtailed, for example, by tackling the question of what is meant by a less complex or extensive proposal."
- ¹⁵ All weekly reports [in Macedonian] can be accessed at: <http://bit.ly/1P05RPz>.
- ¹⁶ Simona Ognenovska and Borjan Gjuzelov, *The Mirror of the Government: Public Participation in the Process of Preparation of Laws* (Skopje: Macedonian Center for International Cooperation, 2014), 45-46, <http://bit.ly/1MdDCb1> [in Macedonian only].
- ¹⁷ Gjuzelov, *Fourth Quarterly Report*, 9; Borjan Gjuzelov, *Tracking the Openness of the Process of Drafting Laws: Fifth Quarterly Report* (Skopje: Macedonian Center for International Cooperation, 2015), 10, <http://bit.ly/1LPjXKw>; Borjan Gjuzelov and Marija Sazdov, *Tracking the Openness of the Process of Drafting Laws: Sixth Quarterly Report* (Skopje: Macedonian Center for International Cooperation, 2015), 9, <http://bit.ly/1jj8oT3>, IRM computations.
- ¹⁸ Tito Belicanec and Elena Gradishki Lazarevska, *The Law Making Procedure and Citizens' Participation in the Republic of Macedonia* (Skopje, Libertas Institute, 2014), 9. Available at: <http://bit.ly/21UzyMs>. Reaction by the MCIM on the high number of laws (65) adopted on one Parliamentary session, without publication on ENER. Available at: <http://bit.ly/1VuskFF> [in Macedonian].
- ¹⁹ Borjan Gjuzelov, *Tracking the Openness of the Process of Drafting Laws: Fourth Quarterly Report* (Skopje: Macedonian Center for International Cooperation, 2014), 7, <http://bit.ly/1i6XS6m> [in Macedonian].
- ²⁰ Civil society reports the Government Mirror helped in designing technical improvements to improve usability. It might have helped that both the government efforts on ENER and CSOs efforts are funded by the same donor (USAID).
- ²¹ IRM national consultations, 29 September 2015.
- ²² "Student Plenum," last modified at 22 September 2015, <http://www.studentskiplenum.org/>. "Is There a Pilot in the Plane?" 22 December 2014, <http://bit.ly/206uVty>.
- ²³ Gordana Gapikj-Dimitrovska and Goran Lazarevski, *Macedonian E-Government Solution for Public Consultation in the Legislative Process—A National Platform for Sustainable Public-Private Dialogue Based on Regulatory Impact Assessment Transparency Principles*. Presented at the Public-Private Dialogue Workshop in Copenhagen, 2015.
- ²⁴ Gjuzelov and Sazdov, *Sixth Quarterly Report*.
- ²⁵ IRM national consultations, 29 September 2015.

Cluster 2- Participation: Participatory Policymaking

Action plan commitment text:

1.4. Monitoring of openness of government institutions in the processes of policy making and law drafting "Mirror of the Government [...]" Annual Report - assessment of:

- a. *Communication environment created by State Administration for [participation];*
- b. *Supportive environment for the participation of civil society, created by the state government as proponents of the legislation or proposed legislation;*
- c. *The openness of the process of preparation of specific draft laws.*

Start date: 1/1/2014

End date: 30/4/2016

1.7. Greater public awareness and use of participatory policy making through the internet portal e-democracy by [stakeholders]:

- a. *Promoted opportunity to submit ideas on e-democracy portal;*
- b. *Monitor the status of utilization of the possibilities on the e-democracy portal.*

Start date: Ongoing

End date: Ongoing

1.8. Establishing of an advisory body to [...] encourage the development of the civil society, composed of [...] the Government, administrative bodies and civil society organizations

Start date: 1/1/2015

End date: Ongoing

1.9. Improved implementation of the Code of Good Practice for the participation of civil society in the policy making process:

- a. *Publication of analysis on using the Code [...] as a tool for collaboration between government and the NGOs;*
- b. *[...] Call for contributions to the preparation of the Annual Working Programme of the Government of the Republic of Macedonia on ENER*

Start date: 1/1/2015

End date: Ongoing

1.10. Implementation of the measures from the Strategy for Cooperation of the Government with the Civil Society (2012-2017) and timely updates on the website of the Department for Cooperation with NGOs: www.nvosorabotka.gov.mk

Start date: Ongoing

End date: Ongoing

7.2. Publication of the results of the projects for evaluation of public administration

- a. *Monthly checks on institutions / regional offices [on] votes per employee*

Start date: 1/1/2014

End date: 31/12/2016

Lead institutions: General Secretariat of the Government

Supporting institutions: Ministry of Information Society and Administration and civil society organizations¹

Editorial Note: The IRM researcher clustered these commitments together for analysis because they all involve participatory policymaking. Further, the full text of the commitments' sub-activities has been abbreviated, indicated by [...].

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
1.4: Assessing impact of Government Mirror			✓		✓	✓	✓			✓				✓		
1.7: Use of e-democracy by stakeholders		✓				✓		✓		✓				✓		
1.8: Civil Society Council			✓			✓					✓			✓		
1.9: Code of Good Practice				✓		✓				✓				✓		
1.10: Strategy for Cooperation with Civil Society			✓			✓					✓			✓		
7.2: Publication of citizens' assessment of public services			✓		✓	✓	✓		✓				✓			

What Happened?

The commitments under this cluster aim at strengthening the policy and institutional framework for increased public involvement in the policy-making process.

The first commitment measures three aspects: the communication environment, the supportive environment, and the transparency of the law-drafting process with the executive branch. Results are published annually² in the Government Mirror, a civil society-implemented project funded by the USAID.

The government made limited progress on the first commitment during the period covered by this evaluation. The report published in October 2014 and promoted on 18 November 2014 covered the period between October 2013 and September 2014. It analyzed the inclusiveness of the legislative-making process at the governmental level, using ENER statistics as well as questionnaires sent to ministries. The report found a decrease in the communication environment from 3.47 in 2012, to 3.19 in 2014 and the supportive environment from 3.13 in 2012 to 2.80 in 2014 (in an index based from 1 to 5). The government has provided information and a link to the reports on ENER; however, the link is not very visible and is under the title "Cooperation."³

The second commitment attempted to promote the e-democracy portal by encouraging and monitoring its use. However, limited progress was made during the first year of implementation, and stakeholders continue to underutilize the e-democracy portal. From its establishment in February 2012 through June 2015, the government reported a total of 237 documents posted, 5,020 individual visits, and 157 discussion topics initiated on the portal.⁴ The IRM researcher's calculations, based on the utilization data

reported before,⁵ found that the trend is negative. On average in the last two years, there are half as many documents and discussion topics initiated annually and one third of the number of annual visits, as compared with the initial 2012–2013 period. Further, the most important aspect of the commitment—promoting the portal’s use—was not started, and the government did not encourage citizens to submit ideas and abandoned the e-petition commitment from the first action plan despite the request by civil society organizations (CSOs) to keep it.⁶ An Internet search by the IRM researcher found that during the reporting period only two ideas were submitted in total.

The third commitment refers to the establishment of an advisory council to encourage the development of civil society. The government made limited progress on this commitment. The Unit for Cooperation with Nongovernmental Organizations, a subsidiary of the General Secretariat of the Government, published a draft decision for the establishment of the advisory council in November 2014.⁷ The government held consultations online via the www.nvosorabotka.gov.mk website and through face-to-face meetings held in December.⁸ Numerous commentators advocated for improvements, but the government neither made those comments public nor responded to them.⁹ On 28 January 2015, a new draft decision was published,¹⁰ and consultations were held in the capital, Bitola, and Shtip in January.¹¹ Civil society could also send comments until 8 February 2015.

As reported by the civil society representatives that the IRM interviewed, the second version of the draft decision reflected and incorporated many of the suggestions they had made on the first version, mainly regarding the scope of work (new areas were added as suggested), the manner of work (specifying that at least four meetings will be held annually) and the role of civil society as chair of the council. However, civil society’s most crucial points—the selection of civil society members and the number and division of members—were not addressed, and the civil society representatives said that the new draft was even worse in these aspects:

- While they had requested a civil society-led self-selection or nomination process, the decision established a government-led commission to decide who represents civil society.
- The new draft changed the process of choosing a council president. Originally a member-elected position, it is now a government-appointed position.
- Lastly, civil society insisted that the council be made up of a majority of civil society representatives, but the draft decision guaranteed a majority of the seats to the government’s representatives.¹²

After the consultation processes ended in February 2015, no information was provided to the public and civil society on the status of the adoption of the decision.¹³ The IRM researcher is unable to tell from the government and civil society responses whether the decision will be adopted.

The fourth commitment refers to the regular work of the Unit for Cooperation with Civil Society within the General Secretariat, the publication of the analysis of the Code of Good Practice,¹⁴ and a public call for contributions to the preparation of the Annual Work Program of the government.¹⁵ The IRM researcher found limited progress on this commitment. A total of seven suggestions were received from civil society and are available online, along with the responses received from the respective government ministries.¹⁶ However, the General Secretariat has not provided a report that assesses the impact of those consultations as the code stipulates.¹⁷ The code prescribes a mandatory biannual assessment of its implementation, but the government has, so far, made only one assessment in 2013, which was limited in its scope due to the very low response rate (10%) of the state administration.¹⁸ The government has reported that a questionnaire, upon which the next assessment will be based, was sent on 1 July 2015 to

all ministries.¹⁹ A brief assessment was published in August 2015, based on the responses from 15 state institutions, a 20% response rate.²⁰

The fifth commitment refers to the Strategy for Cooperation with Civil Society and its implementation. While this commitment existed before OGP, the implementation has stalled. The government has not allocated funds for its implementation and has not published an annual report on its implementation since 2013. The European Commission (EC) noted in its progress report for 2014 and 2015 that the strategy is inadequately implemented due to “insufficient administrative capacity and the lack of a specific budget in the Unit for Cooperation with Civil Society.”²¹ Although the strategy covers the period 2013-2017, the government planned to implement most of the measures by the end of 2014. A civil society independent assessment of the implementation of the strategy between 2012 and 2014 found that from the total of 91 concrete measures less than half (40%) had started or had made limited progress and only 23% had made substantial or excellent progress. Only two measures were completed.²²

The sixth commitment prescribed proactive disclosure of citizens’ assessments of public services. The IRM researcher found that the government has stopped implementing this commitment and has not published results since May 2014.²³ Furthermore, the platform for online voting is no longer functional, nor does it provide access to voting results.²⁴ The government self-assessment does not contain information on this measure, nor did the previous three quarterly reports contain any information on the implementation of the measures within the seventh priority area. The IRM interview with the coordinator of this priority area revealed that there is a lack of coordination, as well as information, that contributes to commitments not being implemented.²⁵

Did It Matter?

In recent years, civil society has made some strides in opening a dialogue with the government, but CSOs continue to express concern about the difficult climate in which they operate and the limited government commitment to dialogue.²⁶ Freedom House has reported a decline in the civil society index mostly due to limited government engagement with civil society, state resistance to public consultations, and perceptions that policy making excludes independent civil society.²⁷

Public consultation and coordination with civil society remain insufficient. Consider the following aspects:

- For the period immediately prior to the publication of this action plan, the Government Mirror found that the government views its level of transparency as average or below average, although, in some regards, it has made improvements from 2012 to 2014.²⁸
- The European Commission notes that the government’s second strategy for cooperation with civil society has been inadequately implemented, citing a lack of political commitment, administrative capacity, and resources.²⁹
- Civil society representatives reported in the IRM consultation forum that the implementation is dependent on the individual officials’ preferences and capacities.
- Similarly, the Code of Good Practice, which consists of guidelines for CSOs in policy-making processes, has been applied inconsistently with the result that many consultation processes have continued to be largely a formality.³⁰ Its inclusion in the OGP framework has not yet provided any positive effects. In general, there is a lack of political will for substantial cooperation, and consultations do not result in meaningful change. The government only accepts the technical suggestions made by civil society.³¹

- Civil society has criticized this process of policy making for excluding other ministries and authorities as well as civil society.³²
- Additionally, citizens' perceived lack of influence in the democratic process is persistent. A study on civic engagement revealed that 76% of citizens in 2014 do not believe they can influence the way authorities work.³³
- In line with this, civil society representatives criticized the government for not heeding citizen demands for more robust services, which has further eroded trust between citizens and authorities.

There are some positive signs, however. Some CSOs have started to coordinate more with one another on specific topics, such as EU assistance, and have proposed more structured mechanisms for consulting with the government based on the needs of each sector.³⁴ Additionally, civic engagement is on the rise. In 2014, a third of working-age citizens participated in civic initiatives, compared to a fifth in 2012.³⁵ The increased civic engagement and activism came as a response against government-proposed legislation.³⁶

Given this context, the commitments in this group had the following potential impacts:

- The Government Mirror was a minor, but positive, step. It would not substantially affect civic participation in Macedonia.
- Promoting the use of the e-democracy portal was not specified with clearly measurable activities, so the IRM researcher could not conclude that it would have more than a minor potential impact. Further, civil society representatives reiterated that tools like the e-democracy portal do not sufficiently prevent the current culture of secrecy, and they cannot replace social and civil dialogue. One pointed example is the practice of requesting opinions from stakeholders only after proposals are adopted,³⁷ effectively avoiding procedural rules.
- The civil society advisory council was envisaged in the Strategy for Cooperation with Civil Society, but the government did not establish it.³⁸ Therefore, a commitment to organize the advisory council by 2015 was potentially a transformative measure.
- While full implementation of the Code of Good Practice would be a significant achievement, the specific activities included in the commitment would contribute in a minor way toward that goal.
- Implementation of the Strategy for Cooperation with Civil Society stalled prior to the publication of the OGP action plan. Therefore, using the OGP platform to restart this important initiative and to promote the implementation of its measures would have a significant, moderate potential impact.
- Similarly, continuing to publish the public administration evaluations, which stalled before the action plan was published, would be a positive step. However, this practice had little overall impact, so the potential impact of restarting it would be minor.

Moving Forward

The IRM researcher recommends further work on basic implementation. The government could take the following steps for further implementation of the commitments:

1. Administrative capacity for consultations needs to be strengthened, and the government needs to cooperate more with civil society and other stakeholders.
2. Appropriate resources (including financial and human) need to be allocated for the implementation of the Strategy for Cooperation with Civil Society. This would also send a signal that there is political will for dialogue and cooperation.

3. The government should reform public funding to CSOs to ensure that they have the capacity to interact and participate. Supporting already existing self-organized platforms could be a first step forward.

¹ The full list of CSOs named as supporting institutions is: Macedonian Center for International Cooperation, Center for International Cooperation, Center for Research and Policy Making, Center for Change Management, Eco-conscious, Institute for Community Development, IRES, Biosphere- Bitola, Bujrum-Tetovo, Center for Rural Development-Kumanovo, Center for European Development and Integration-Bitola (CERI), Institute for Economic Strategies and International relations Ohrid, Polio Plus.

² Simona Ognenovska and Borjan Gjuzelov, *The Mirror of the Government: Public Participation in the Process of Preparation of Laws* (Skopje: Macedonian Center for International Cooperation, 2014), 38-39, <http://bit.ly/1MdDCb1> [in Macedonian only].

³ <http://sorabotka.ener.gov.mk/Ogledalonavlada.aspx>.

⁴ MISA, *Self-Assessment Report*, 10.

⁵ Ministry of Information Society and Administration, *Annual Report on the Implementation of the Action Plan on Open Government Partnership* (Skopje, Government of the Republic of Macedonia, 2013).

⁶ In the written submissions during public consultations, available online at the e-democracy portal.

⁷ MISA, *Self-Assessment Report*, 11; General Secretariat, *Draft Decision for Establishment of a Council for Promotion of Cooperation, Dialogue and Encouragement of the Development of Civil Society* (Skopje: Government of Republic of Macedonia), 20 November 2014. A total of 1,034 visits were made to access this decision.

⁸ The IRM researcher monitored these consultations.

⁹ For example please see, a comment sent by the *Balkan Civil Society Development Network*, available at: <http://bit.ly/1DtenyI>.

¹⁰ Secretariat General, *Second Draft Decision for Establishment of a Council for Promotion of Cooperation, Dialogue and Encouragement of the Development of Civil Society* (Skopje: Government of the Republic of Macedonia), 28 January 2015.

¹¹ The public call for the consultations can be found at: <http://bit.ly/1MUvXPj>.

¹² For a description of the process, access to the draft decisions, and access to some of the comments sent by the civil society, please visit <http://bit.ly/1KnrqWS>.

¹³ There was no information about the implementation of this commitment in the quarterly reports published after February (second and third quarterly report on the implementation of the OGP action plan.

¹⁴ In Macedonian, available at: <http://bit.ly/1KProUW>.

¹⁵ <http://nvosorabotka.gov.mk/>, published in September 2014 for 2015.

¹⁶ Available at: <http://bit.ly/1ivQMbS>.

¹⁷ Article 1, paragraph 2.

¹⁸ Secretariat General, Division for Cooperation with the Civil Society Sector, *Analysis of the Implementation of the Code of Best Practices for Involvement of the Civil Society Sector* (Skopje: Government of the Republic of Macedonia, 2013). Available at: <http://bit.ly/1RGLrdx> [In Macedonian only].

¹⁹ Ministry of Information Society and Administration, *Annual Report on the Implementation of the Action Plan on Open Government Partnership* (Skopje: Government of the Republic of Macedonia, 2013), 3.

²⁰ In the introduction, the report states that the report is published as a result of a Conclusion of the Government adopted on its session held on 23.06.2016 that requested regular reports on the progress on the cooperation with the civil society, every 6 months. Since the reports falls outside the period covered with this report it will be analyzed in the next IRM assessment.

²¹ EC, *Annual Progress Report for 2015*, 9.

²² Simona Ognenovska, *Report on the Implementation of the Strategy for Cooperation with the Civil Society for the Period 2012-2014* (Skopje: Macedonian Center for International Cooperation, 2015), 20-31.

²³ <http://bit.ly/1R1C7w0>.

²⁴ <http://semafor.mioa.gov.mk/semafor>.

²⁵ IRM interview with Marija Sazdevski.

²⁶ EC, *Progress Report for 2014*, 10.

²⁷ Marija Risteska, *Nations in Transition 2015: Macedonia* (Washington, DC: Freedom House, 2015), 423.

²⁸ Marija Sazdevski and Simona Ognenovska, *Public Participation in the Law-Making Process* (Skopje: Macedonian Center for International Cooperation, 2012), 9. The report presents a self-assessment of the government authorities in three main areas: 1) communication environment, which assesses general mechanisms for public participation; 2) enabling environment, which measures the institutional setup for participation, funding support for participation, and existence of monitoring and evaluation systems; and 3)

openness of the process targeting publication of notifications, availability of supporting documents, feedback received from civil society, and consistency in the available content. The communication environment declined from 3.47 in 2012 to 2.19 in 2014, the enabling environment increased from 2.65 to 3.00, and the openness of the process was slightly improved from 2.6 to 2.7. The assessment is based on index scales from 1 to 5.

²⁹ European Commission, *Progress Report for 2014* (Brussels: 2014), 10. Available at: <http://bit.ly/1uAgzCC>.

³⁰ EC, *Progress Report for 2014*, 10.

³¹ Simona Ognenovska, *Report on the Enabling Environment for the Development of the Civil Society in 2014* (Skopje: Macedonian Center for International Cooperation, 2015), 50-53.

³² IRM consultation forum.

³³ The perceived lack of 'power to influence' is persistent and was 74% in 2012 and 77% in 2013. Reactor-Research in Action, *Civic Engagement in Macedonia 2012-2014* (Skopje: Reactor, 2015). Available at www.civicengagement.mk.

³⁴ EC, *Progress report*, 10.

³⁵ Reactor, *Civic Engagement*, 8.

³⁶ Most notably against the legislative changes for educational reforms and the reforms in the tax regime affecting the unemployed and those with irregular earnings.

³⁷ Saso Klekovski, "Regulatory Corruption," *Utrinski Vesnik* (15 October 2015), <http://bit.ly/1H3zw3Y> [In Macedonian only].

³⁸ Strategy for Cooperation of the Government with the Civil Society (2012-2017).

Cluster 3- Participation: Capacity Building for Civil Society Organizations (CSOs)

Action plan commitment text:

1.5. Capacity building of [CSOs] to monitor the implementation of policies

Start date: 1/12/2015

End date: 31/12/2016

1.6. Raising the awareness about the benefits of Open Government Partnership:

- a. Strengthening the public-private dialogue on creating the measures for OGP;
- b. Capacity building for [CSOs] in the implementation of [OGP] measures

Start date: 1/12/2015

End date: 31/12/2016

4.8. Building the capacity of [CSOs] to monitor anti-corruption practices at the local level through research and a LOTOS study

Start date: 1/1/2014

End date: 31/12/2016

Lead institutions: Ministry for Information Society and Administration

Supporting institutions: State Commission for Preventions of Corruption; Center for Research and Policy Making

Editorial Note: The IRM researcher clustered these commitments together for analysis because they involve civil society capacity building without a clear role for the government. Further, the full text of the commitments' sub-activities has been abbreviated, indicated by [...].

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
1.5: Capacity-building for civil society		✓					✓			✓				✓		
1.6: OGP awareness raising		✓				✓				✓				✓		
4.8: Anti-corruption research and LOTOS study		✓				✓	✓			✓						✓

What Happened?

The three commitments in this cluster focus on bolstering the watchdog roles of civil society. The activities are based on the planned projects of the Center for Research and Policy Making (CRPM), financed through various EU funds.¹

The first commitment aims to build capacity for monitoring the implementation of policies. CRPM has reported that they have raised the capacities of seven organizations to monitor implementation of policies in more than half of the municipalities.² This translates to limited implementation of the commitment during the first year.

The aim of the second commitment is twofold: to strengthen the public-private dialogue about the OGP commitments and to strengthen public participation in the implementation of commitments. The IRM researcher found that limited progress was made. While CRPM supported and facilitated the process of consultations for the development of the second national action plan, its capacity-building activities were limited. Within their EU funded project, CRPM held one regional conference on OGP in October 2014, and also announced that they will support the consultation process for the third action plan during 2016.

The IRM researcher found that the third commitment was completed. Seven civil society organizations, in a joint effort, published the LOTOS study in 2015, and they based the study on the outputs from the first commitment in this cluster. The research found that the average score measuring good governance in the municipalities is 3.53 out of 10. Furthermore, there is a wide gap in governance, with the majority of municipalities (53%) scoring below the average.³ The measures implemented were part of a project funded by the European Union prior to the adoption of the second action plan.

Did It Matter?

The commitments aim to build civil society's monitoring capabilities. However, the measures are limited in terms of potential impact. For one thing, the scope is small; the capacity building component included a total of eight people representing different CSOs. As well, the commitments are not very specific and are, therefore, difficult to measure. This has hampered impact and visibility.

Additionally, the commitments refer to CSO activities that would have happened regardless of the action plan. The IRM review did not identify added value benefits from their inclusion in the OGP process, and the national and local authorities failed to use the outputs of the commitments. CSOs perceived these measures as project activities and not commitments undertaken by the authorities. The IRM review of the Internet archives found that no authorities discussed the study results and none took further steps to promote some of the dimensions—transparency, public participation, responsiveness, accountability, and effectiveness—measured with the LOTOS study. At the IRM consultations, civil society representatives raised concerns about the responsibility for implementing these commitments and their sustainability if the authorities fail to incorporate the findings of the watchdog activities.

Still, research did reveal some minor positive effects were seen. For example, CRPM reported that the municipalities of Krusevo and Bitola used the indicators developed with the LOTOS study to publish more information on their websites. CRPM also noted the good practice of the municipality of Kriva Palanka, which shares basic information about the services it provides and encourages other municipalities to adopt the practice.

Moving Forward

The IRM researcher recommends abandoning the first and third commitments. The capacity gaps in civil society will be addressed with the completion of the previous two cluster commitments.

On raising awareness, the IRM researcher recommends further work. The initiative is not sufficiently promoted, and, therefore, many of the relevant stakeholders are not aware of the OGP process and its potential. As planned, the IRM researcher recommends that the government:

- 1) Partner with CSOs in developing the next national action plan; and
- 2) Decide on the most important open government challenges relevant for the country and design concrete measures to address them.

Finally, while shared responsibility and partnership with civil society is encouraged, the OGP commitments must improve the work of government authorities and their communication with the public and civil society. The inclusion of civil society efforts that do not involve or receive support from authorities should be avoided in the action plan, as the government cannot be held accountable for activities in which it has no role.

¹ More about the projects can be found at <http://crpm.org.mk>.

² Qendresa Sulejmani, *Working Groups and the Implementation of the OGP Action Plan in the First Quarter* (Skopje: CRPM, 2015), 10.

³ Marija Risteska and Aleksandar Cekov, *Local Accountability, Transparency and Responsibility Study- LOTOS2014* (Skopje: Center for Research and Policy Making, 2015), 14-20.

Cluster 4- Participation: Education, Cyber Safety, and the Environment

Action plan commitment text:

7.3. Inclusive elementary and secondary education for persons with disabilities

- a. Submitting proposals and analysis to the Ministry of Education and Science (MES) which direction the proposed amendments shall take;
- b. Analysis of the proposals [and] of the need for an amendment to the Law on Primary and Secondary Education and commencement of the public consultation process (defined upon assessment of need for legislative changes)

Start date: 1/6/2014

End date: 31/12/2015

7.4. [Implement] the Center for Safer Internet Action Plan [...] with Inhope Macedonia

Start date: 1/1/2014

End date: 31/12/2016

7.7. Increasing responsibilities and promote the concept of environmental protection:

- a. Information campaign [...] and educational activities on [environmental topics];
- b. Submitting proposals [...] to the Ministry of Environment and Physical Planning for legislative change, [analysis of the received proposals... and beginning of the process of legislative amendments with public consultation, upon assessed need].

Start date: 1/1/2014

End date: 31/12/2016

Lead institutions: Ministry of Education and Science; Ministry of Environment and Physical Planning

Supporting institutions: Civil society: Polio Plus, DEM, ED Treska, Makedonski Brod and other stakeholders, Center for Safer Internet Action Plan, Inhope Macedonia

Editorial Note: The IRM researcher clustered these commitments together for analysis because they all involve civil society participation on sector-specific themes. Further, the full text of the commitments' sub-activities has been abbreviated, indicated by [...].

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
7.3: Inclusive education			✓			✓					✓			✓		
7.4: Center for Safer Internet Action Plan			✓			✓					✓		✓			
7.7: Participation in environmental protection			✓		✓	✓					✓		✓			

What Happened?

In line with the OGP guiding principles, the second national action plan includes commitments that support and include initiatives from civil society. Namely, this cluster contains commitments that promote legislative reforms in specific sectors based on proposals and assessments from civil society organizations. Unfortunately, the self-assessment does not contain any information about the commitments.

The first commitment aims to promote inclusive educational reform. It detailed a process in which a leading disability civil society organization (CSO) would help reform educational laws. Progress was limited, although the current framework does not hinder inclusion.¹ An initial meeting between Polio Plus and the Ministry of Education took place on 1 April 2015, and the two groups made a commitment for closer cooperation, which included, among other things, cooperation in building a new Strategy for Development of Education.² The Law on Primary Education and the Law on Secondary Education were amended four times³ in the reporting period; however, the government did not initiate a debate regarding inclusive education.

The second commitment aims to support the activities of the “Action plan to Prevent and Deal with Illegal Activities and Content through Information and Telecommunication Technologies and Protection of Children and Young People 2012-2014”. A multi-stakeholder working group prepared this action plan, and one of its main focuses is the creation of the Center for Internet Safety.⁴ According to civil society representatives, the government did not make progress on this commitment despite proactive initiatives from civil society.⁵ The IRM review confirmed this. The multi-stakeholder working groups made no progress, and MISA did not undertake any activities. Currently, only civil society promotes the protection of young people on the Internet.⁶

The third commitment targets participation in environmental protection. The IRM review found no progress. The Ecologist Movement of Macedonia did not organize any campaigns,⁷ and no legislative proposals were submitted to the Ministry of Environment and Physical Planning.

Did It Matter?

This cluster supports inclusive, sector-specific reforms in priority areas for citizens, as evidenced by an opinion poll.⁸ The commitments envisaged informed decision making grounded in the findings of civil society. Some of the aims could be reached with improved practices, but civil society, rightfully, prioritizes changes in the legal framework. In the country, civil administration still requires instruction via legislation rather than sharing experiences to transfer knowledge and improve practices.⁹

The first commitment in the group is very important for Macedonia. Few people support the inclusion of children with disabilities in the school system,¹⁰ and as a result children with disabilities are discriminated against and are often kept out of kindergartens and mainstream schools.¹¹ The commitment is in line with the “Strategy for Deinstitutionalization” (2008-2018),¹² which provides measures for transforming special schools and institutions, and the “National Strategy on Achieving Equal Rights for the Persons with Disabilities in the Republic of Macedonia (Revised) 2010-2018” that specifically determines the need for legal reforms in the area of education.¹³ Prior to OGP, a UNICEF-supported pilot project assessed the need for reform and looked at the creation of a network of inclusive schools.¹⁴ Therefore, analyzing the need for legislative change and, if needed, promising to hold a public consultation has a moderate potential impact.

Similarly, the second commitment is clearly a priority for civil society given their dedicated work on the topic. Fully implementing the action plan would have a moderate potential impact on the policy area.

Finally, the third commitment's potential impact is also moderate. Access to environmental data is essential for Macedonian citizens,¹⁵ so public awareness campaigns and information sharing activities are timely and important for society. The commitment's second milestone could have even more potential impact, depending on the specific details within the proposed changes to legislation. However, the lack of information in the government self-assessment, the very limited progress made, and the previous experience of civil society¹⁶ all suggest that the government may not be committed to full implementation.

Moving Forward

The IRM researcher recommends further basic work on implementation. In so doing, the government should consider designing specific measures and roadmaps to achieve intended goals and should take into consideration the complex nature of the reform areas. In particular:

- Move from isolated interventions to a new cross-sectoral agenda, ensuring that children with disabilities have equal access to education.¹⁷ A step in this direction could be the adoption of the new assessment system that would effectively identify individuals' needs and pinpoint the best ways to provide assistance;¹⁸
- Support efforts to ensure the safe use of the Internet. Design specific commitments in partnership with stakeholders; and
- Consult with environmental protection groups to identify reform priorities for both legal reforms and insufficient implementation of existing regulations.

¹ Ministry of Labor and Social Policy, *Initial Report of the Republic of Macedonia to the Convention on the Rights of Persons with Disabilities* (Skopje: 2014), 25-28. Available at: <http://bit.ly/1MEhnn8>.

² Polio Plus, www.polioplus.org.mk.

³ On 4 August 2014, 10 September 2014, 22 January 2015, and 16 June 2015, published in the Official Gazette, No. 116/2014, 135/2014, 10/2015, and 98/2015.

⁴ MISA, Press Release, 10 March 2013. Available at: <http://bit.ly/1kBY2Eg> [Only in Macedonian].

⁵ Violeta Gjorgjievska, Internet Hotline Provider Macedonia, written contribution to IRM.

⁶ *Children's Rights on the Internet – Safe and Protected*, implemented by the Foundation Metamorphosis [<http://crisp.org.mk/>].

⁷ <http://www.dem.org.mk/news.php>.

⁸ The survey found that the citizens are least interested in information "held" by the government and line ministries. On this question, interviewees provided equally divided answers, whereby half of them are not interested in obtaining this type of information. Two-thirds of citizens are interested in information held by the municipalities and education and health care institutions, while a slightly higher share of them are interested in information about the budget and private entities performing public services. The highest share of citizens (90.3%) is interested in obtaining access to information on environmental matters. Dance Danilovska-Bajdevska (ed), *Overcoming the Principle of Secrecy in the Public Administration* (Skopje: OSF, 2013), 17. Available at: <http://bit.ly/1OISchZ>.

⁹ Judit Holevenger and Andrea Martnuzzi, *Assessment of the Capacity for Services in Health, Education and Social Protection for the Inclusion of Children with Disabilities* (Skopje: UNICEF, 2015), 22-46. Available at: <http://uni.cf/1HzQIOH>.

¹⁰ GfK Skopje, *Knowledge, Attitude and Practices (KAP) Survey Towards Inclusion of Children with Disabilities* (Skopje: UNICEF, 2014). Available at: <http://uni.cf/1WFF7d7> [Only in Macedonian].

¹¹ Bertrand Desmoulins, UNICEF Representative, *Public Statement on the Occasion of the International Day of the Persons with Disability*, 3 December 2014. Available at: <http://uni.cf/1Pv98Xu>.

¹² Ministry of Labor and Social Policy. *Strategy for Deinstitutionalization 2008-2018* (Skopje: Government of the Republic of Macedonia, 2007), 14-16. Available at: <http://bit.ly/1lckULf> [Only in Macedonian].

¹³ Ministry of Labor and Social Policy. *National Strategy on Achieving Equal Rights for the Persons with Disabilities in the Republic of Macedonia (Revised) 2010-2018* (Skopje: Government of the Republic of Macedonia, 2012), 3-4 and 22-23. Available at: <http://bit.ly/1Ow0kSz> [Only in Macedonian].

¹⁴ Total of fifteen schools statewide are included in the program. For a summary results, please see: *Case Studies from Schools Involved In UNICEF's Inclusive Education Training-Of-Trainers Programme (2012-2014)* available at <http://uni.cf/1Ow33LT>.

¹⁵ Group of authors, *Research Study on the Right to Public Information in Macedonia* (Skopje: Open Society Foundation – Macedonia, 2013).

¹⁶ See access to environmental data for air pollution, based on the study Eko-Svest, Kolku cini zivot [How much does the life costs?] (Skopje: Ekosvest, 2014), 60-62. Available at: <http://bit.ly/1IL8nc5>.

¹⁷ UNICEF, 2015 http://www.unicef.org/tfyrmacedonia/media_28354.html.

¹⁸ Developed in 2012 and accessible at: <http://bit.ly/1iKmeTS> [Only in Macedonian].

Cluster 5- Open Data: Standards and Platform

Action plan commitment text:

2.2. Setting of technical standards for the data format and the manner of its publication prescribed by the Minister of Information Society and Administration.

Start date: 1/5/2014

End date: 30/6/2014

2.5. Introducing the possibility for submission of a request by the interested parties for new datasets for use.

Start date: 1/5/2014

End date: 31/7/2014

2.6. Establishing a platform for data mashing (pilot 11 institutions)

Start date: 1/5/2014

End date: 30/9/2014

Lead institutions: Ministry of Information Society and Administration (MISA)

Supporting institutions: None specified

Editorial Note: The IRM researcher clustered these commitments together for analysis because they involve open data infrastructure.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
2.2: Standards			✓		✓			✓			✓					✓
2.5: Dataset requests		✓			✓			✓		✓						✓
2.6: Data mashup platform		✓			✓			✓		✓						✓

Editorial Note: Under the old criteria of starred commitments, commitment 2.2 would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented. The IRM updated the star criteria in early 2015.

What Happened?

This cluster aims to improve open data in Macedonia by regulating and specifying legal, technical, and procedural aspects of data release.

The first commitment refers to the adoption of sub-legislation of the newly ratified “Law for Use of Data from the Public Sector”.¹ The government reported that the commitment was completed with the adoption of the “Rule Book on Minimal Technical Possibilities of

the Public Sector Bodies and Institutions for Data Publication and Technical Normative of the Data Format and Fashion of Publication”.² The rulebook is accessible at the open data portal, opendata.gov.mk, and MISA reported in the government’s self-assessment that it conducted initial trainings with civil servants to promote the law and introduce them to the new regulation.³

Though the government completed the commitment, the IRM review found that this was with significant delay. The time line for the adoption of the bylaw was one month from February 2014,⁴ and the OGP national action plan allowed for an additional three months. However, the regulation was adopted in January 2015 and came into effect in February 2015.

The second commitment is also complete. The new open data portal, launched in July 2014,⁵ allows stakeholders to request the release of data in open formats.⁶ The request procedure is simple: the requester needs to submit contact information, a description of the requested data, the data holder (if known), and a brief description of the plans for the data usage, especially regarding applications, online portals, business models, etc. Additionally, the requesters need to specify whether the product will be commercial or noncommercial. The government has reported that it prioritizes requests that are used to develop applications or new tools as well as boost economic development and job creation.⁷ Additionally, requests can be submitted directly to MISA or data holders, but the agencies will probably process these requests less expediently than through the portal.

The government is processing requests for new datasets and is forwarding them to the appropriate institutions. As of yet, however, the government has not released a dataset as a result of a request. MISA has reported that this is due both to a lack of IT capacities and to the way the administration collects, stores, and updates data.⁸ There is no data on the total number of requests submitted (including type, format, and scope of requested data) or their status.

The third commitment refers to a platform to allow a mashup, or combination, of different data. It was planned to cover 11 institutions in the pilot phase, but the IRM review found that the government adjusted this commitment by introducing a data intersection function on the open data portal, thus expanding the application to all institutions that have provided datasets. However, the system is limited to a maximum of three combined datasets.⁹ Testing by the IRM researcher revealed further limitations, which are discussed below.

Did It Matter?

These commitments build on the recommendations from the first IRM review of the previous national action plan. The open data portal is a potentially transformative measure of the government. Along with the newly adopted “Law for Use of Data from the Public Sector”, it provides for incentives and obligations for the proactive release of data.

However, some of the concerns raised by the IRM review were proven valid: new measures need to make sure that the commitment is not limited in its scope, covering only institutions that have adequate IT staff and equipment in place.¹⁰ Contrary to this, the newly adopted rulebook stipulates that the obligation to release open data is only on institutions that “have a workstation that supports software tools necessary for preparing the datasets and have organizational units for ICT or at least one employee from the field.”¹¹ Public institutions that do not have those capacities are exempted. The legal framework does not stipulate a deadline for the framework to cover all government authorities. Therefore, this commitment did not achieve the highest score of potential impact, but still promised moderate, significant change.

Similarly, the concerns regarding the user-driven release of data raised in the previous IRM report continue to be relevant. Stakeholders again raised concerns that prioritizing the release of data based on the intention of the users to develop applications is not a fair approach.¹² This could negatively affect marginalized groups, and the results could be skewed toward the interests of businesses, transparency organizations, and big organizations from the capital. Therefore, there needs to be a debate to identify the most pressing priorities based on societal and public interest. Civil society organizations (CSOs) suggested that the process should start with the budget and bank statements and continue based on public interest (spatial data, environmental data, etc.). Additionally, stakeholders raised concerns that since there is no catalog of where data are held, the requests received may be limited or irrelevant.¹³ They also voiced a worry that institutions can modify, alter, or erase datasets, without a tracking function on the platform. Despite these limitations, the functionality promised by the commitment is a useful tool that has the potential to significantly impact data release in Macedonia.

Regarding the data mashup function of the portal, the IRM review found that though the functionality exists, its utility is currently very limited due to two main reasons:

- 1) The function is not optimally designed:
 - a. Only one value per dataset can be compared;
 - b. Values from a maximum of three datasets published on the platform can be compared; and
 - c. Identical values found in each of the datasets are required.
- 2) The quality of the datasets published on the portal is very low. The majority of the datasets can be classified as one to two stars from the five-star criteria on open data.¹⁴ Different datasets are built in the Cyrillic and Latin alphabet, which further limits the intersectionality of the available data, since syntax differences make the data noncomparable.
- 3) Comparison is only possible between datasets published as “databases” (structured, computer-readable format) and between identical types of units of measurement (for example, combining data on municipalities from different sources).

Some of these limitations may have sprung from the vagueness of the original commitment, which did not specify any particular aspects of the mashup functionality. For these reasons, the IRM researcher considered this a positive, but limited, step forward.

Moving Forward

No further action is recommended for the first commitment.

Regarding the second commitment, the IRM researcher recommends adopting a new commitment, based on the current implementation and assessment findings. In particular, the government needs to:

- Consider ways to allow information requesters to track the status of their request;
- Provide a realistic time line for opening the data held by state and public authorities;
- When designing the time line, identify short-term priorities based on consultations with public authorities, civil society, the business community, and the public;
- Ensure that, as much as possible, data released satisfies the five-star criteria for open data; and

- Identify and map datasets that are not collected and stored in a way that satisfies open data standards and design measures to assist institutions in transitioning toward those standards. Make those plans available for the public, so release of data can be expected.

Finally, the IRM researcher recommends adapting existing, internationally used platforms for the mashup of data¹⁵ instead of investing in improving functionality of the open data portal.

¹ Adopted in February 2014 and published in the Official Gazette of Republic of Macedonia No.27/2014.

² Published in the Official Gazette No.15/2015 on 2 February 2015.

³ MISA, *Self-Assessment Report*, 14.

⁴ Ibid, Article 22.

⁵ News coverage from the promotion of the portal. *New Portal for Data from Institutions to Citizens and Businesses* [in Macedonian only] <http://www.mkd.mk/makedonija/nov-portal-za-podatoci-od-instituciite-za-gragjanite-i-za-biznismenite>.

⁶ Direct link at: <http://bit.ly/1LOEQMY>.

⁷ MISA, *Self-Assessment Report*, 16.

⁸ OGP National Coordinator, Ms. Irena Bojadzievska, IRM personal interview, 2nd September 2014, Skopje.

⁹ MISA, *Self-Assessment Report*, 16.

¹⁰ IRM report.

¹¹ Article 2, Rulebook for Minimum Standards.

¹² IRM consultations forum.

¹³ IRM consultations forum.

¹⁴ More information can be found at: <http://5stardata.info>.

¹⁵ Such as the Open Source Data Portal Software CKAN (<http://ckan.org/>), already used by many governments.

Cluster 6- Open Data: Inventories and Proactive Transparency

Action plan commitment text:

2.1. Open data of the bodies and public sector institutions according to their technical features which they create in exercise of their powers that will be made available for use

Start date: 1/1/2014

End date: 31/12/2016

2.3. Establishing a Central catalog of public sector data published for use [...] www.otvorenipodatoci.gov.mk (opendata.gov.mk)

Start date: 1/1/2014

End date: 31/12/2016

2.4. Establishing a database for the contact person in [public] institutions [...] responsible for the technical adaptation and publishing of [accurate] data [...] on the website of the authority and [...] the catalog [...].

Start date: 1/7/2014

End date: 31/7/2015

3.4. Regular posting and updating the list of information holders [and] implementation of the legislative obligation [...].

Start date: 1/4/2014

End date: 31/12/2016

3.5. Availability of all public information on the web sites of the information holders.

Start date: 1/4/2014

End date: 31/12/2016

Lead institutions: Ministry of Information Society and Administration;
Commission for Protection of the Right to Free Access to Public Information

Supporting institutions: All information holders

Editorial Note: The IRM researcher clustered these commitments together for analysis because they all involve front-end open data activity. Further, the full text of the commitments' sub-activities has been abbreviated, indicated by [...].

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
2.1: Proactive open data access	✓				✓					✓				✓		
2.3: Open data catalog			✓		✓						✓		✓			

2.4: Open data contact persons			✓		✓					✓				✓		
3.4: Access to information contact persons			✓		✓					✓				✓		
3.5: Proactive access to information		✓			✓						✓			✓		

What Happened?

The commitments in this cluster sought to improve the proactive, online release of information held by public institutions and to provide datasets in open formats.

The first commitment refers to the government's new open data portal, opendata.gov.mk, which was publicly launched in June 2014. The commitment did not specify the dynamics and scope of the released data, making it difficult to measure. The government's self-assessment reported that a total of 154 datasets from 24 institutions were released. However, the IRM review of the datasets available on the portal, as well as a number of downloads, suggests that many of the released datasets are of little use to citizens. The following datasets were released and most used during the reporting period:

- Ninety datasets were made available from 21 institutions.
- Thirty-nine datasets have not been downloaded at all so far.
- The three most downloaded datasets are:
 - The address book of the state-run kindergartens (336 downloads)
 - The budget amendments (112 downloads)
 - The address book of the private kindergartens (98 downloads)

The other datasets have significantly lower download rates.¹

The second commitment refers to the establishment of a central catalog of public-sector data, which should be published on the open data portal and is a summary of the catalogs made by the individual agencies. According to the government's self-assessment, it has not created this central catalog, but the datasets can be filtered by institution. An Internet search of government ministries confirmed that the catalogs of datasets have not been created and made available despite the legal requirement to give MISA quarterly updates.²

The third commitment seeks to establish a database of contact people within the government who are responsible for managing and updating the datasets.³ The government in its self-assessment reported that it created a pilot project to build the database with representatives of 11 institutions. The list expands as new institutions are included. However, the IRM researcher could not find evidence of this database's existence, and considered this to be limited progress, since the adopted legal framework applies to many institutions and not only to those that were included in the pilot project on open data.

The fourth commitment aims for a "published list of information in accordance with the Law on Free Access to Information," but the IRM researcher could not find evidence that this update occurred. In its self-assessment, the government did not provide information on progress. The list of information holders is available on the webpage of the Commission for the Protection of the Right to Access Public Information.⁴ However, it does not indicate when it was last updated, so it was not possible to assess whether the information holders have updated their lists in the first year of implementation evaluated by this report. In its annual report, the commission stated that due to a lack of funds it was unable to publish the list of information holders.⁵ A civil society monitoring

organization found that only a quarter of the institutions provide both the contact person and the list of information they hold on their websites.⁶

The last commitment reiterates the proactive transparency of public institutions, the obligation to make information they hold public on their websites, on their own initiative.⁷ Namely, it aims to support the implementation of Article 10 of the Law on Free Access to Information, which regulates the types of information that institutions should make available without the need for requests for access.⁸ The government self-assessment provides only data gathered from a civil society monitoring organization that looked at fiscal transparency.⁹ (For more, please refer to Cluster 11). The IRM review found no progress on this commitment. The Commission for the Protection of the Right to Free Access to Public Information¹⁰ and civil society reported that half of public institutions have no website at all.

Did It Matter?

Commitments under this cluster all aim to promote the release of information and datasets in a proactive way. Such efforts are much needed in Macedonia. As the participants in the IRM stakeholder meeting pointed out, in some parts of the government a secretive culture still prevails, and some institutions are perceived as unwilling to release the data they hold. The February 2014 Law for Use of Data from the Public Sector¹¹ established that all public-sector bodies and institutions must publish datasets they create and make them available for reuse. This law also required the establishment a central catalog of public-sector data, which was discussed previously.¹² The law strengthened the legal framework on open data, and although it was not part of the previous national action plan, if fully implemented it could address the shortcomings with the release of data identified in the previous IRM report. For example, the IRM researcher's search of the portal's archive found that the government planned to release fifty datasets in July 2014 but those datasets are still not open to the public.

As these commitments show, pro-reform agents are using the OGP process to push for more open and transparent authorities. For example, civil society has suggested that catalogs of the datasets that institutions produce or have produced from 1946, even if they are historical, paper datasets, are crucial to plan, track, and improve the efficacy of open data transformation. Thus, achieving measurable results within a short period of time requires clear, specific, realistic commitments adapted to the current context and available resources. Currently, the commitments, some of which were significantly ambitious, were not realistically and clearly designed. Several were so nonspecific that the IRM researcher could not establish their potential impacts beyond positive, but limited, steps. This vagueness and lack of taking into account limitations in the current system contributed to the commitments' minimal implementation.

Still, some interesting results have emerged from some of the data the government has released. So far, a total of three applications were developed based on the released data, two of which were in the reporting period. The first application, designed in 2012, warned drivers of potential police radar controls throughout the country. The second provides for air quality measurements, and the third is a map of active forest fires in the country.

Moving Forward

For the implementation of the commitment and release of open data, it is crucial that institutions and public bodies comply with legal requirements and appoint contact people within institutions. Revision of the commitments on proactive transparency of open data and information is recommended in order to make it more achievable and responsive to the current context. Specifically, the government should:

- Define measures that would help information holders develop plans for the proactive release of data in an open data format, such as providing technical assistance, independent evaluators, or resources for ICT;
- Consider rolling out proactive disclosure programs progressively;
- Complement strategic activities with measures that would allow transformation of record keeping into open data formats;
- Consider releasing important (requested) information even if it is available only in closed formats, and design plans for their transformation into open data;
- Design a monitoring system in a transparent and proactive way, and appoint stakeholders to the monitoring bodies; and
- Reform the annual report submitted to the Commission for Protection of the Right to Free Access to Public Information to gather data on the updates to the list of information, catalog of datasets, as well as list of information held by authorities.

¹ In most cases, less than five downloads.

² Article 8.

³ Article 7, paragraph 4.

⁴ <http://bit.ly/1UVTWnD>.

⁵ Commission for the Protection of the Right to Free Access to Public Information, *Annual Report of the Commission for Protection of the Right to Free Access of Public Information for the Period from 1 January to 31 December 2014* (Skopje: Commission, March 2015). Available at: <http://bit.ly/1UVTWnD> [In Macedonian only].

⁶ Foundation Metamorphosis, *Increasing the Use of gov.mk Websites as a Tool for Transparency* (Skopje: Metamorphosis, 2014).

⁷ Helen Darbishire, *Proactive Transparency: The Future of the Right To Information* (Washington DC, World Bank), 3-9, available at: <http://bit.ly/1p0G0ul>

⁸ The article stipulates that the following information needs to be made public: the proposed programs, adopted programs, strategies, views, opinions, studies, and other similar documents related with the information holder's competence; all calls for bids within public procurement procedures, and the tender documentation; information on its competencies determined by law; the organization and costs of operation, of providing services to citizens in administrative procedures, and of its own activities; the issuing of information bulletins and other forms of informing; contact information; legislation governing the work of the information holder; as well as other information stemming from its work.

⁹ Association for Emancipation, Solidarity and Equality of Women of Macedonia, *Assessment of the Progress in Proactive Transparency among the Monitored Public Institutions* (Skopje: ESEM, 2015). Available at: <http://bit.ly/1H5inwf> [In Macedonian only].

¹⁰ Commission, *Annual Report 2013*, 7-29.

¹¹ Adopted in February 2014 and published in the Official Gazette of Republic of Macedonia No.27/2014.

¹² Articles 4, 7, and 8.

Cluster 7- FOI: Human, Operational, and Financial Resources

Action plan commitment text:

2.7. Trainings for implementation of the Law on Use of Data from the Public Sector

Start date: None specified

End date: None specified

3.2. Educating officers and officials at the information holders

Start date: 1/4/2014

End date: 31/12/2016

3.3. Making a new web site of the Commission

Start date: 1/4/2014

End date: 30/04/2015

3.6. Improving the financial and human resources of the Commission

Start date: 1/4/2014

End date: 31/12/2016

Lead institutions: Commission for Protection of the Right to Free Access to Public Information

Supporting institutions: All information holders; Ministry of Finance; Ministry of Information Society and Administration

Editorial Note: The IRM researcher clustered these commitments together for analysis because they all involve back-end resources for freedom of information.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
2.7: Trainings on use of data		✓			✓					✓						✓
3.2: FOI trainings		✓			✓		✓			✓					✓	
3.3: Commission website			✓		✓			✓		✓						✓
3.6: Commission resources		✓			✓					✓			✓			

What Happened?

These commitments aim to provide human, financial, and technical resources to support the implementation of the legal framework for access to information and the release of open data.

The first commitment refers to the training of public institutions laid out in the new Law on Use of Data from the Public Sector, which was authorized in February 2014 during the development of the second action plan. The government self-assessment reported that a number of trainings were conducted for key personnel within institutions on the new requirement and legal obligations for the proactive release of data. Additionally, according to the researcher's interviews with MISA, they conduct regular meetings with institutions to respond to their demands and clarify issues arising from implementation. The IRM researcher considers this to be full completion of the commitment.

Similarly, the second commitment aims to build capacities among information holders for the implementation of the Law on Free Access to Information. According to the government self-assessment and interviews with officials at the Commission for the Protection of the Right to Free Access to Public Information,¹ the trainings were conducted during 2015 and targeted two groups of information holders: court officials (judges and prosecutors) and municipality officials. These groups were selected based on their willingness to partner with the commission. The trainings for judges and prosecutors were organized in partnership with the Academy for Judges and Public Prosecutors in Skopje. A total of three trainings were organized, consisting of 24 court presidents, 18 prosecutors, and 46 access to information officials from across the country. For municipalities, with support from the OSCE mission to Skopje, four of the six planned trainings were organized in June 2015. The trainings were held in Skopje, Gostivar, Demir Kapija, and Shtip and covered a number of municipalities from these regions. A total of 33 municipal officials were trained.² The IRM researcher considers this substantial implementation of the commitment because the scope of the trainings covered only local administration and judiciary. The delayed implementation of the trainings was due to lack of funds in 2014.³

The third commitment was carried over from the first action plan and promised the development of a new website for the Commission for the Protection of the Right to Free Access to Public Information. The aim of the new website as to facilitate electronic access to information as well as to provide an opportunity for electronic submission of annual reports by information holders. The IRM researcher found that the government completed this commitment on time. The development of the new website started in 2014⁴ and was supported by MISA. The current website provides resources for citizens that include a catalog of all information holders, and decisions and conclusions of the Commission based on the appeals it receives. The website also links to relevant civil society web platforms.

Lastly, the fourth commitment pledges to increase the human and financial resources of the commission. As reported by the commission in its annual reports, it has been underfunded and understaffed for some time, with its budget gradually decreasing each year.⁵ The self-assessment stated that the budget for salaries in 2015 has been increased by about 4.1%,⁶ due to the transfer of five civil servants to the commission. But the IRM researcher considered this limited progress for the commitment. While human resources were strengthened, the nonrestricted funding of the commission remains unchanged. The commission needs additional funding to satisfy its obligations; however, it currently not only depends on donor funding for program activities but has also reported that its account was blocked in 2014 due to unsettled debt for utility costs.⁷

Did It Matter?

2016 will mark the ten-year anniversary since the Law on Free Access to Information was adopted. The commission is one of the key institutions that protects this right and promotes pro-transparency reforms. However, since its establishment, the commission lacks the necessary human and financial resources to implement its obligations. In that sense, the commitments aim to address this issue and fill an important gap.

However, civil society raised concerns that the commitments are not transformative and do not address the roots of the problem – the perceived culture of secrecy in the administration.⁸ That this culture undermines the implementation can be seen, for example, in the frequent turnover of officials responsible for handling free-access requests.⁹ This makes the potential impact of the first two commitments very limited because trained officials are often reassigned to different roles, limiting the effect of the trainings.

Further, the commitment did not clearly define scope of the trainings, and this problem also limited the IRM researcher's ability to surmise that the potential impact for the other three commitments would be anything higher than minor steps forward. Even so, although the scope of the trainings remains limited, it is a positive step. Training officials happens rarely with the adoption of a new law, and the government should consider how it can more effectively apply specific trainings to other commitments from the OGP action plan. Civil society has been requesting allocation of sufficient resources for years,¹⁰ and information holders have also requested trainings as well.

Moving Forward

The IRM recommends further work on the implementation of these measures. In particular:

- The government should allocate a nonrestricted budget for the commission to ensure it is able to carry out preventive activities;
- The commission should improve its website to allow for a creation of a searchable database of its decisions and conclusions (case law), as well as to serve as a tool for the electronic submission of appeals; and
- The commission should explore how the web platform can be used for collecting information and reports from information holders. Providing proactive access to the individual reports submitted to the commission should be considered for the next action plan.

As a positive sign, the government reports that it plans to include a commitment in the next action plan that will allow information holders to submit their reports and dissatisfied requesters to make an appeal via the Commission's website.

Finally, civil society representatives at the IRM consultations suggested proactive release of the most important government-held information, such as budgetary payments and procurement contracts and annexes, as a critical step for improving access to information in Macedonia.

¹ IRM interview with Mr. Pece Toshevski and Mr. Oliver Serafimovski.

² More about the trainings can be found at the website of the commission at: <http://bit.ly/1HWlPJX>.

³ Commission for FOI, *Annual Report 2014*.

⁴ Mrs. Irena Bojadzieva, IRM personal interview, 2 September 2014.

⁵ Commission for FOI, *Annual Reports 2010-2014*.

⁶ In total by 500,000 denars or approximately 8,300 Euro.

⁷ Commission for FOI, *Annual Report 2014*.

⁸ IRM consultations forum.

⁹ Commission for FOI, *Annual Report 2014*.

¹⁰ Open Society Foundation - Macedonia, *Press Release for the Occasion of the International Right to Know Day* (Skopje: OSF-Macedonia, 2013).

Cluster 8- FOI: Legal Reform

Action plan commitment text:

3.9. Amending the Law on Free Access to Public Information

- a. Submitting proposals and analysis to the Ministry of Justice on the direction the proposed amendments should take (to June 2014);
- b. Analysis of the proposals, assessing the need for amending the law [and] starting the process of amending the Law [...] with public consultation [...]

Start date: 1/4/2014

End date: 30/9/2015

3.10. Establishing of inter-sector working group for determining the compliance with the Convention of the Council of Europe for access to public documents and setting national legal requirements for accession to the Convention.

Start date: 1/9/2014

End date: 31/3/2015

Lead institutions: Ministry of Justice

Supporting institutions: Commission for Protection of the Right to Free Access to Public Information

Editorial Note: The IRM researcher clustered these commitments together for analysis because they all involve legal reforms for freedom of information. Further, the full text of the commitments' sub-activities has been abbreviated, indicated by [...].

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.9: Amending FOI Law			✓		✓				✓						✓	
3.10: Working group on Council of Europe convention on access to info.				✓	✓					✓			✓			

What Happened?

These two commitments focus on further development of the legislative framework for the protection of the right to free access to information.

The first commitment seeks to improve the current legislation governing free access to public information. The Law on Access to Information of Public Character was adopted in 2006 and has been amended three times—in 2008, 2010, and 2014. The most significant changes were made in 2010 and addressed concerns from civil society. The self-assessment concluded that progress was limited, while reporting that the need for

the amendments have been founded and draft amendments have been sent to the Ministry of Justice. The government adopted amendments to the law in August 2015,¹ which is outside the period covered by this report and means that the commitment was substantially completed during the first year. But the changes did not reflect the needs and priorities identified during the public consultations on the OGP action plan.

The second commitment concerns the ratification of the Council of Europe Convention for Access to Public Documents. The self-assessment did not include information on the implementation of this commitment. While during its review of this evaluation, the government reported that it established the group, the IRM researcher could not find evidence that this group functioned during the period covered by this report.. Consulted officials in the Ministry of Foreign Affairs reported that the state is unlikely to ratify the convention prior to its implementation. For that, it needs at least ten ratifications, and so far it has seven from the fourteen signatories.² Macedonia was one of the twelve countries that first signed the convention in 2009.

Did It Matter?

Most shortcomings regarding the right to free access to information in Macedonia are related to the implementation of the law rather than the framework it provides, and it is the overall enforcement of the Law on Free Access to Public Information that stakeholders find unsatisfactory. There are some chronic problems with implementation, such as “mute refusals,” the slow release of information, and restrictions to the access and the use of the “public interest test.” Still, the legal framework could be improved, as these commitments attempt to do.

For example, the previous IRM review of the Commission for the Protection of the Right to Free Access to Public Information’s decisions reveals that when access to information is denied the information holders do not implement the mandatory harm test. With that in mind, one of the recommendations in the last report was to adopt a bylaw that would govern the procedure for implementation of the harm test.³ Civil society organizations (CSOs) and the commission identified the needed changes and submitted them to the Ministry of Justice as stipulated in the commitment.⁴

However, as stated above, the amendments to the law did not take this civil society submission (or others) into account. The commitment did not specify what the changes would be, and therefore it was not possible to determine what, if any, the potential impact of the commitment would be. It was also unclear why the final action plan used more ambiguous phrasing compared to the first drafts, which had specified what needed to be changed based on the implementation up to that point.⁵ Civil society representatives raised concerns that the Ministry of Justice is not inclusive and that the commission is not always aware of the ongoing processes.⁶

The Law on Free Access to Information has been amended twice⁷ since Macedonia joined OGP, but the process did not reflect the commitments made within the national action plan. This highlights a need for better coordination between different reform strategies and agendas. Furthermore, the commission needs additional human and financial resources in order to achieve its legal obligations.⁸ Cluster 6 proves more details on this.

Finally, regarding the potential impact of the second commitment on compliance with the Council of Europe’s convention, if fully implemented it could potentially be a positive (but minor) step forward in Macedonia. It will assess current legislation against minimum standards set by the Council of Europe. However, the effect of the commitment beyond Macedonia may be higher—Macedonian legislation is progressive, covering state security and the intelligence agency, which is not the case in many

European countries. Therefore, the process could potentially be used to improve the standards at the European level.

Moving Forward

Though some CSOs have argued for regulatory changes, overall, the legal framework is at a satisfactory level. The IRM researcher recommends that future commitments need to focus on supporting implementation and ensuring compliance across institutions.

¹ Published in the Official Gazette, No. 148/2015, 31 August 2015.

² List of signatures and ratifications is available at: <http://bit.ly/QBQylZ>.

³ Neda Korunovska, *IRM 2013-2014 Progress Report for Macedonia*, 63-65.

⁴ IRM Interview with Mr. Oliver Spasovski, Commission for the Protection of the Right to Free Access to Public Information, IRM Interview with Ms. Nada Naumovska, Foundation Open Society – Macedonia.

⁵ First draft of the second OGP action plan, March 2014.

⁶ Comment submitted to the survey conducted by the IRM researcher.

⁷ Once in 2014 and next in 2015.

⁸ Commission for Protection of the Right to Free Access to Public Information, *Annual Report on the Commission's Operation in 2014*. <http://bit.ly/1brs4SW> [in Macedonian].

Cluster 9- FOI: Public Awareness and Partnership Building

Action plan commitment text:

3.1. Raising public awareness about the right to free access to public information through [...] media presentations and educational campaign.

- a. Assisting journalists and non-governmental organizations in the implementation of the right of access www.freeinfo.mk;
- b. Training of NGOs organized by the Open Society Foundation – Macedonia;
- c. Open Days for municipalities;
- d. Web site to educate citizens with concrete examples www.spinfor.org.mk and [...] "Free Access" (<http://slobodenpristap.mk/>) [...] enabling electronic submission of [information requests] and complaints to the Commission [...];
- e. Educating [stakeholders about] the right of access to public information and fiscal transparency and accountability [on] site of Association ESE - www.esem.org.mk

Start date: 1/4/2014

End date: 31/12/2016

3.7. Increasing the cooperation of the Commission with associations and foundations and municipalities in RM through Memorandum of Cooperation.

Start date: 1/4/2014

End date: 31/12/2016

Lead institutions: Commission for Protection of the Right to Free Access to Public Information

Supporting institutions: All Municipalities; Open Society Foundation – Macedonia; Association for Emancipation, Solidarity and Equality of Women of Macedonia; Center for Civil Communication

Editorial Note: The IRM researcher clustered these commitments together for analysis because they all involve legal reforms for freedom of information. Further, the full text of the commitments' sub-activities has been abbreviated, indicated by [...].

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.1: Public awareness about right to information			✓		✓	✓				✓					✓	
3.7: Memo of Cooperation			✓		✓	✓				✓			✓			

What Happened?

This cluster of commitments focuses on building partnerships between the Commission for Protection of the Right to Free Access to Public Information and civil society in an effort to raise awareness about the right of free access to information.

The first commitment focuses on various trainings and capacity-building activities as well as different online tools to help the public exercise this right. According to the government self-assessment and interviews with commission officials, a total of four trainings were conducted for journalists, eight for civil society representatives and activists, six for young people, and three at universities.¹ Additionally, the commission, in cooperation with six municipalities and supported by the OSCE, organized “open days” in the municipalities and held conversations with students and young people on access to information rights. Approximately 150 young people attended those events.²

Civil society organizations (CSOs) supported by international donors conducted the trainings for civil society and media, training approximately 200 activists and journalists. Other activities include civil society-managed portals that target a specific audience (for example, journalists³), are specialized in a certain area (for example, budget transparency⁴), or provide a general overview of the procedure and provide tools for submission of requests for information online.⁵ Those portals existed before this commitment and are being implemented regardless of this process. Other than linking the portals directly to the commission’s new portal (banners are featured on the homepage), it is not clear how this commitment changed the status quo.

The second commitment aims at formalizing the cooperation between the commission and CSOs through a memorandum of cooperation. According to the self-assessment and interviews with commission officials and civil society, this commitment was not started during the period under evaluation. The self-assessment states that the commission will sign a memorandum of understanding in “the upcoming period” to “deepen the cooperation with three civil society organizations” responsible for the implementation of the commitments.

Did It Matter?

This group of commitments contributed to raising awareness on the right to free access, providing useful tools for accessing data, increasing public awareness, and building partnerships with civil society. Building partnerships in this area is crucial as a significant number of citizens are still unaware of their right to free access to information held by public bodies.⁶ Given the serious nature of right to information issues in Macedonia, these commitments’ scopes were limited in terms of their potential impact.

For the first commitment, there was no evaluation of the trainings or measurement for the practical use of the skills gained by the participants. Furthermore, the effectiveness of the trainings is limited because institutions still do not respond to requests for information. Agencies ignore half of the requests, and they often do not provide information within the thirty-day limit. For example, a civil society organization found that only two out of the 17 requests received the information within the statutory time frame. Eight institutions provided only partial responses, while six institutions exceeded the deadline from three to 106 days.⁷

Regarding the second commitment, generally having a memorandum of understanding facilitates cooperation between public institutions and civil society. But this particular commitment is not clear, and the IRM researcher could not establish in what ways the memorandum sought to improve the cooperation.

The Commission for the Protection of the Right of Free Access to Public Information has been traditionally a very open institution and has cooperated with civil society and municipalities since its establishment. Civil society representatives have argued that the biggest problems with access to information are not the aspects targeted by these commitments but rather the lack of trust between civil society and public administration.⁸ On the one hand, many civil society representatives do not believe that

there is a genuine interest in consultations and participation, and, on the other hand, civil servants perceive criticism as attacks. The effort to build meaningful partnerships has a long way to go. The Strategy for Cooperation with Civil Society is rightfully based on the principles of mutual trust, partnership, participation, and transparency,⁹ but its lack of implementation (for more see Cluster 3) hinders its impact.

Moving Forward

The IRM researcher recommends further work on basic implementation of these commitments. As they work to continue implementation, the government and the commission should:

1. Assess the impact of the conducted capacity-building activities as well as the effectiveness of the existing web platforms;
2. Develop new measures to ensure that the respective authorities consider civil society suggestions, including identified challenges. The commission could facilitate this dialogue by organizing joint meetings and discussing “chronic” problems with information holders;
3. Incorporate the right to access to information in the civic education curriculum, thus securing a sustainable, awareness-raising measure. As a positive sign, the government reported that the Commission has begun signing memorandums of understanding with higher education institutions to hold lectures to raise awareness among students.

¹ More about the raising awareness events can be found at the website of the commission: <http://bit.ly/1HWIPJX>.

² Information about each of those events can be found at the website of the commission [www.komspi.mk].

³ Free Info [<http://freeinfo.mk/>].

⁴ Fiscal transparency [<http://www.fiskalntransparentnost.org.mk/>].

⁵ Free Access [<http://www.slobodenpristap.mk/>].

⁶ Foundation Open Society – Macedonia, *Overcoming the Principles of Secrecy in the Public Administration's Operation: Report from the research study on the right to public information in Macedonia* (Skopje: FOSM, 2013). Available at: <http://bit.ly/1bKXK59>.

⁷ Balkan Tender Watch, *The Comparative Analysis of Legal and Institutional Frameworks and the Comparative Analysis of Public Procurement Case Studies (2014)*.

⁸ IRM consultation forum.

⁹ Government of the Republic of Macedonia, *Strategy for Cooperation with the Civil Society 2012-2017* (Skopje: 2012), 29-31.

Cluster 10- Anti-Corruption: Integrity Standards

Action plan commitment text:

4.3. *Introducing guidelines to the integrity system and their further piloting in the municipalities and central level institutions*

Start date: 1/1/2014

End date: 31/12/2016

4.4. *Defining a methodology for assessing the risks of corruption by updating the concept of integrity*

Start date: 1/1/2014

End date: 31/12/2015

4.5. *Developing a methodology for monitoring the progress of implementation of integrity systems (integrity index) for local self-governments*

Start date: 1/1/2014

End date: 31/12/2015

4.6. *Developing a methodology for monitoring progress in implementation of integrity systems by the civil society (through tools for social responsibility)*

Start date: 1/1/2014

End date: 31/12/2015

Lead institutions: State Commission for Prevention of Corruption

Supporting institutions: Units of local self-government; UNDP; OSCE

Editorial Note: The IRM researcher clustered these commitments together for analysis because they all involve the integrity systems.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
4.3: Integrity system pilots			✓				✓			✓				✓		
4.4: Methodology for risk assessment			✓				✓		✓							✓
4.5: Local self-government integrity index			✓				✓			✓					✓	
4.6: CSO integrity monitoring			✓			✓	✓				✓			✓		

Editorial Note: Under the old criteria of starred commitments, commitment 4.6 would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented. The IRM updated the star criteria in early 2015.

What Happened?

These four commitments build on previous efforts that were promoted by the State Commission for Prevention of Corruption and implemented over the last couple of years to introduce integrity systems.¹ In consultation with stakeholders, integrity systems should provide a framework for assessing risks and employing measures to ensure that those risks are mitigated system-wide. Specifically, they are the systems in an organization or bureaucracy that combine the tools, actors, and processes to define, monitor, and enforce the norms and values of public integrity.²

The introduction of integrity systems was a measure envisaged with the National Programme for Prevention and Repression of Corruption (2011-2015) and the Strategy for Public Administration Reform (2010-2015). Before the start of the second national action plan, 11 municipalities had already piloted integrity systems,³ and the State Commission for Prevention of Corruption had developed initial guidelines for risk assessment.⁴ The commitments were based on the previous plan to make the adoption of integrity systems legally binding, followed by methodology, self-assessments, and monitoring from civil society.

The IRM researcher found the following levels of progress toward the four commitments in this cluster:

- For 4.3, the commission, supported by the international community, has launched a campaign to convince municipalities to adopt and integrate anti-corruption and integrity plans. Civil society has commented that the promotion of anti-corruption as an incentive for economic development makes the process attractive for municipalities.⁵ So far, a total of 47 municipalities (out of 81) have signed the declaration for anti-corruption.⁶ However, no national institution has joined the process. This represents limited progress toward the commitment.
- For 4.4, according to the self-assessment and interviews with the representatives from the State Commission for Prevention of Corruption,⁷ the Common Assessment Framework adopted in 2013 provides a procedural framework within which the risk assessments could also be incorporated.⁸ This completed the commitment, although it had no potential impact as a commitment since it was complete before the commitment was made.
- For 4.5, the system has not been formally adopted, and institutions are unlikely to adopt such measures proactively.⁹ However, the commission provided trainings for 35 municipal civil servants and used International Anti-corruption Day (9 December 2014) to further advocate for the issue. In the reporting period, the Commission, supported by the UNDP and CSOs, developed two different indexes. One is an index of information that needs to be proactively available (for example, accounting balance sheets), and it assessed local governments against those transparency benchmarks. The second index is based on the integrity concept but did not receive a sufficient response rate to provide for a meaningful assessment. In an interview, commission representatives suggested that a reason for the low response rate could be that a CSO initiated the index and that future efforts should be made by the commission. Since the commitment was only to develop the indexes, the commitment was substantially completed.
- For 4.6, the government self-assessment stated that it is one of the two commitments not started during the first year of implementation. However, IRM consultations with civil society found substantial progress. CSOs have already developed a methodology and in partnership with interested public enterprises

have already piloted the methodology in an attempt to improve their integrity systems.¹⁰

Did It Matter?

Rooting out corruption is a high priority on the country's reform agenda. In this sense, introducing integrity systems on part of the local and state authorities is crucial in identifying possible risks and implementing appropriate measures. The commitment is also in line with the Strategy for Development of the Public Internal Financial Control in the Republic of Macedonia for the period 2015–2017.¹¹ This is particularly important since the current policies for internal control and financial management do not cover all public entities and there is insufficient implementation of legislation. Only 32% of the state institutions have adopted a strategy for risk management and only as a result of an audit control by the state audit office.¹²

As with many previous commitments, however, these four are positive steps forward but remain limited in scale and scope:

- For 4.3, the commitment did not specifically address challenges from the pilot phase:
 - Civil society representatives raised concerns that the existing initiatives are heavily donor dependent,¹³ while the Commission remains understaffed and underfunded.¹⁴
 - Furthermore, it is also not clear that these pilots focus on developing a sense of individual ownership and responsibility for each institution's integrity system. For these systems to be sustainable, they must have a clear, visible place within the organizational structure.¹⁵
- For 4.4, as mentioned above, this commitment was completed before it was included in the action plan, giving it no potential impact in the OGP action plan.
 - However, this should not be interpreted as a reflection on the potential impact of the Common Assessment Framework, which does include several chapters that OECD guidance considers key, including extensive definitions of high-risk areas, procedures and protections for whistleblowers, and a chapter on the importance of civil society and social oversight.
 - Still, the framework could be strengthened. For example, the chapter on social oversight gives few concrete recommendations, such as web tools for local participation.
- For 4.5, CSOs have raised concerns that the methodology needs to be adapted and that each authority has to conduct a self-assessment in order to detect risks and design appropriate measures. An index that is based on questions that are graded and marked can only be used indicatively for formal compliance and not for substantial improvements. Furthermore, such an index is one small part of a robust integrity monitoring system, which should include active monitoring instruments "to purposely search for integrity dilemmas, but most of all for integrity violations, with the aim to stop them and take restorative or punitive actions if necessary."¹⁶
- Commitment 4.6, however, is a more major reform because it explicitly allows civil society to independently look at institutional processes and practices and identify where there are risks for corruption and abuse of power. Considering that civil society has taken a constructive role in the context of recent political crises by demanding accountability,¹⁷ they are good allies in promoting public integrity.

Finally, it is necessary to point out why the first three of these commitments were marked clearly relevant to the OGP value of public accountability. According to the IRM

Procedures Manual, in order to mark commitments as relevant to this value, they must explicitly “include a public-facing element, meaning that they are not purely internal systems of accountability.”¹⁸ Theoretically, these integrity systems should be inclusive and seek input from the public at various stages,¹⁹ and in practice the integrity system framework that exists includes a chapter specifically on social oversight. Therefore, the IRM researcher marked the commitments relevant to public accountability.

Moving Forward

Implementing more ambitious anti-corruption commitments is crucial for the country, taking into consideration the weak impact the Commission had so far. As noted by the European Commission, the state anti-corruption commission needs to demonstrate its independence by fulfilling its mandate to fight corruption in a proactive and nonselective manner.²⁰ Allegations exist that this commission has not been complying with these two key characteristics.²¹

Moving forward, the IRM researcher recommends further work on basic implementation. Specifically, the government should;

- Consider implementing further standards for risk management and internal control and streamline the commitments to support existing reform processes;
- Consult and include key stakeholders, such as state authorities, civil society, and the business community;
- Try to address the limitations to potential impact discussed above; and
- Further investigate the existing initiatives implemented by civil society to ensure that the existing knowledge, experience, and practices are built into commitments.

Finally, the previously cited OECD guidelines provide a useful checklist that a future commitment could be based upon. Several of its recommendations could support a commitment that would be potentially transformative for Macedonia’s public integrity system. For example, the existing frameworks for monitoring integrity are limited. The fourth OECD chapter on monitoring integrity delineates several concrete monitoring tools and structures that could improve Macedonia’s existing frameworks.

¹ Group of authors, *Promoting Transparency and Accountability in Public Institutions* (Skopje: OSCE, 2012). Accessible at: <http://bit.ly/1uFd7Et>.

² Organization for Economic Cooperation and Development (OECD), *Towards a Sound Integrity Framework: Instruments, Processes, Structures and Conditions for Implementation*, Paris, 2009: <http://bit.ly/214PZB8>.

³ More information and a link to the adopted municipal policies can be found at: <http://bit.ly/1QaNtW2> [Only in Macedonian].

⁴ Mirjana Dimovska and Vladimir Georgiev, *Manual for Integrity and Conflicts of Interest* (Skopje: State Commission for Prevention of Corruption and UNDP, 2013), 11-14. Accessible at: <http://bit.ly/1PuMoH2> [Only in Macedonian].

⁵ IRM national consultations forum.

⁶ IRM interview with officials from the State Anti-Corruption Commission, and national news coverage during the international day for the fight against corruption, 9 December 2014, see for example: <http://bit.ly/1PzUWxS>.

⁷ Vladimir Georgiev, IRM personal interview.

⁸ Introduced in 2013 with the adoption of the Law Introducing a System of Quality Management and Common Assessment Framework published in the Official Gazette, No.69, 14 May 2013. The law prescribed the obligation for all state bodies to start implementing CAF from 1 January 2014.

⁹ Gorica Atanasova Gjorevska, *Promoting Cooperation Through Good Governance in the Anti-Corruption Policy Implementation* (Skopje: State Commission for the Prevention of Corruption and OSCE, 2014), 266-272. Available at: <http://bit.ly/1RESxjc>.

¹⁰ IRM national consultations forum.

¹¹ Ministry of Finance, *Strategy for Development of the Public Internal Financial Control in Republic of Macedonia*, 2014. Available at: <http://bit.ly/1MFSWOf> [Only in Macedonian].

¹² State Audit Bureaus, *Annual Report for 2014* (Skopje: State Audit Bureau, 2015), 60-77. Available at: <http://bit.ly/1Oy4GZf> [Only in Macedonian].

¹³ Mainly supported by the EU, OSCE, and UNDP.

¹⁴ Center for Civic Communications, IRM Progress report public presentation, 28 February 2014.

¹⁵ *Sound Integrity Framework*, OECD, 64.

¹⁶ *Sound Integrity Framework*, OECD, 52.

¹⁷ EC, *Annual Progress Report for 2015*, 5.

¹⁸ *IRM Procedures Manual*, Version 2.0, 31: <http://www.opengovpartnership.org/irm/about-irm>.

¹⁹ *Sound Integrity Framework*, OECD, 32.

²⁰ EC, *Annual Progress Report for 2015*, 54.

²¹ In the US State Department Human Rights Report 2013, it was reported that “in October opposition Social Democratic Party of Montenegro Vice-President Radmila Sekerinska publicly called on the prime minister and director of the Counterintelligence Service, Saso Mijalkov, to explain the significant increase of Mijalkov’s assets. The ruling party, the VMRO-DPMNE, in turn accused Sekerinska of failure to report an increase of her personal and family assets. The Anti-Corruption Commission (ACC) announced it was taking action to verify Sekerinska’s assets, and explained that the Public Revenue Office would look into Mijalkov’s assets.” Later it was said that it was unintentional error and was corrected. <http://1.usa.gov/1M7ieE8> ; As well, in the 2014 version: “The State Commission for the Prevention of Corruption and Conflict of Interest (ACC)... did not provide fully systematic verification of the assets, liabilities, and statements declared by public officials, their spouses, or dependent children.” Available at: <http://1.usa.gov/18BOn4u>.

Cluster 11- Anti-Corruption: Laws, Systems, and Whistleblowing

Action plan commitment text:

4.1. Adoption of amendments to the Law on Prevention of Corruption in the direction of:

- a. introduction of integrity systems in the public and private sector
- b. introducing systemic protection of [whistleblowers] who report knowledge or suspicion of corruption and other unlawful or unacceptable conduct [...]

Start date: 1/1/2014

End date: 31/12/2014

4.2. Implementation of activities to raise awareness of public administration and citizens to report corruption and other unlawful and impermissible actions

Start date: 1/1/2014

End date: 31/12/2016

4.7. Continuously promote the use of IT tools for social responsibility in the municipalities and other institutions

Start date: 1/1/2014

End date: 31/12/2016

4.9. Defining the scope of the elected and appointed persons who are obliged to submit declarations of assets and interests statement - Preparation of the Register

Start date: 1/1/2015

End date: 31/12/2016

Lead institutions: State Commission for Prevention of Corruption

Supporting institutions: Ministry of Justice; Units of local self-government; United Nations Development Program (UNDP); OSCE; Civic organizations¹

Editorial Note: The IRM researcher clustered these commitments together because they all involve anti-corruption laws and systems. Further, the full text of the commitments' sub-activities has been abbreviated, indicated by [...].

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
4.1: Integrity systems and whistleblower protections				✓			✓					✓	✓			
4.2: Anti-corruption awareness raising		✓			✓		✓			✓				✓		
4.7: IT tools for social responsibility		✓					✓			✓				✓		
4.9: Scope of asset declaration			✓		✓					✓						✓

What Happened?

The Law on Prevention of Corruption was adopted in 2002 and since then has undergone seven changes as of this report. The first commitment in this cluster seeks to introduce integrity systems to prevent corruption that will apply risk assessments and follow-up measures. This would ensure that government institutions had a legal obligation to prevent corruption, and it would introduce a system to protect whistleblowers.²

In July 2013, the government reached a political agreement that set a roadmap for adoption of a new legislation for whistleblowers protection. The Ministry of Justice began amending the law in November 2013 and, at the time of preparing of this report, still listed the laws as “under preparation.”³ In fact, the government withdrew the proposal from parliament in June 2014 as a result of criticism it received from civil society and the expert community.⁴ The government self-assessment does not provide information about any progress made, but it notes the ongoing process regarding the adoption of a new framework in July 2015. Therefore, the IRM researcher considers the commitment as not started in the first year of the implementation of the action plan. Prior to the publication of this progress report, the law was adopted in non-transparent way,⁵ in November 2015.⁶ The government reported that the Commission and the Ministry of Justice are currently working to develop and adopt the necessary by-laws.

The second commitment refers to civil society conducting awareness-raising activities. The self-assessment refers to one event organized in April 2015 and two media articles.⁷ The IRM researcher considers this limited progress.

Regarding the third commitment, the UNDP, according to the self-assessment, supported the development of a tool that gathers feedback from citizens using ICT. They have developed, piloted, and launched a platform, My Municipality (<http://www.moja-opstina.mk>), through which citizens can assess municipal openness and accountability. Touch screens, connected to the platform, were installed in the municipalities. Because it is a newly introduced tool,⁸ its effectiveness is difficult to assess. Plus, the IRM researcher’s review found that, so far, in the 15 municipalities that have adopted the technology the platform was not functional during the period covered by this report. Currently, it only allows users to vote and select on three priority services.

The last commitment refers to the register of asset disclosures and their merger with the data of appointed and elected officials. According to the government self-assessment and interviews with the representatives of the Commission for Prevention of Corruption, the amendments in the legislation adopted in June 2015⁹ increased the authority of the commission and set a framework for the creation of a central register of all elected and appointed officials. This completed the commitment. Although the law provided for a six-month period for the adoption of the bylaw, the commission adopted it in July 2015.

Did It Matter?

Corruption remains a serious problem in the country.¹⁰ While the government has introduced various mechanisms for reporting corruption,¹¹ the fight against corruption remains ineffective.¹² The European Commission’s Expert Mission, sent to the country after alleged illegal surveillance was revealed by the opposition in 2015, identified apparent direct involvement of senior government and party officials in illegal activities, including electoral fraud, corruption, abuse of power and authority, conflict of interest, blackmail, extortion, and severe procurement procedure infringements aimed at gaining illicit profits.¹³

Setting up an initiative to help citizens report corruption cases could be a major step forward.¹⁴ However, the actual effects of these measures largely remain limited, and

their inclusion in the OGP action plan has not proved sufficient to strengthen the fight against corruption.

The awareness raising promised in the second commitment was very nonspecific, so the IRM researcher was unable to ascertain if the commitment would be more than a positive, but minor, step forward. Furthermore, it did not address the root problem, which is trust in institutions. The number of complaints received from citizens by the commission has declined over the years,¹⁵ from 201 in 2013 to 141 in 2014. Similarly, the number of corruption cases initiated by the commission decreased from 27 to 17. The commission brought a total of 14 cases against elected, appointed, or public officials to the prosecutor in the last two years.¹⁶ Civil society representatives said that civilians reported more cases to them than to state institutions.¹⁷

The third commitment in the group also lacked specificity. While the public feedback collected on the platform may actually have significant effects, the commitment was too vaguely worded to make a firm judgment.

Finally, it is too early to assess whether the creation of the register will strengthen the supervisory role of the commission, but its work so far is very limited. Asset declaration is a key part of the state anti-corruption commission, and the commitment provides a good initial framework for advancement in this area.¹⁸ Claims of selective enforcement and political influence persist,¹⁹ and at the time of the start of the implementation serious corruption scandals tested the abilities of the commission, particularly in the area of asset declaration.²⁰ Furthermore, civil society has complained that they were not consulted on the final makeup of the commitment and that the register has no auditing system in place, merely relying on self-reported data. They also noted that officials' property and assets have increased disproportionately when compared to their official earnings and that it seems they deliberately bend the rules by registering their property under the names of their relatives.²¹ As a good sign, however, in August 2014 an independent civil society group, funded by the EU, began monitoring the implementation of the commitment, ensuring insights into the process.²²

The IRM researcher's examination of the register found that it is searchable by name, function, and institution.²³ However, the data is not reusable as it is not published in an open, machine-readable format, and much of the information provided is inconclusive. It is, therefore, necessary to strengthen the independence and reactivity of the commission and other control bodies.²⁴

The exception to these limitations in potential impact is the first commitment in the group-- installing "systemic protections" for whistleblowers could potentially transform the status quo. These protections formed part of the National Approximation with the EU Acquis Program (NPAA) for 2014-2015.²⁵ Before the adoption of the second national action plan, whistleblowers were partially covered with the Law on Access to Information²⁶ and the Law on Prevention of Corruption;²⁷ however, no cases had been reported under these laws.²⁸ Still, civil society raised concerns that the process of developing the legislation would not be inclusive²⁹ due to the fact that the issue became very politicized during 2015.

Moving Forward

In light of new challenges, the IRM researcher recommends revising the commitment, taking into account the following specific recommendations:

- Use the established working group to ensure that the process of legislative revision is inclusive and participatory;
- Design a roadmap with specific measures, responsible authorities, and expected achievements. Make sure that the roadmap targets the priority and system challenges identified by the EU's Senior Expert Group;

- Further strengthen the asset disclosure system, consulting with CSOs active on the issue and making full use of the standards and guidance in the Open Government Guide's chapter on asset disclosure;³⁰ and
- Consider including the ratification of the Organization for Economic Cooperation and Development's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions in the next commitments.

¹ The full list of CSOs listed as supporting institutions is: Center for Research and Policy Making, Association of Citizens for Local and Rural Development, Bujrum-Tetovo , Green Force, Center for Development and European Integration, Local Development Agency-Struga, Educational-charity organization-Shtip, Macedonian Center for International Cooperation, Coalition - All for Fair Trials, TI Macedonia, IDSCS, Institute for Economic Strategies and International Affairs Ohrid-Skopje, Institute for Democracy - Societas Civilis.

² European Commission, *Annual Progress Report for 2013* (Brussels: 2013).

³ Ministry of Justice, *List of Laws under Preparation*. Available at: <http://bit.ly/1MR57hb>.

⁴ Transparency Macedonia, *Written Comments Submitted to IRM*.

⁵ It was not published on ENER portal.

⁶ Adopted on 10 November 2015 and published in the Official Gazette No. 196/2015.

⁷ See news article regarding integrity systems on local level: <http://bit.ly/1luCF8A>.

⁸ This initiative is part of a broader project 'Open Municipality' implemented by relevant state bodies including the Commission for Prevention of Corruption and the Ministry for Local Self-Government

⁹ Law on changes and amendment to the Law on Prevention of Corruption, adopted on 12 June 2015 and published in the Official Gazette, No. 97/2015.

¹⁰ Transparency International, *Corruption Perception Index 2014* (Berlin: Transparency International, 2014). Available at: <http://bit.ly/1GSjGyK>.

¹¹ Multiple forms are available at various levels, from phone lines specifically devoted to corruption cases to crowd-sourcing web platforms.

¹² Coalition All for Fair Trials, *Monitoring of the Court Cases on Corruption and Organized Crime – Report* (Skopje: 2013).

¹³ Senior Experts' Group on Systemic Rule of Law Issues, *Report Relating to the Communications Interception Revealed in Spring 2015* (Brussels: European Commission, 2015), 6. Available at: <http://bit.ly/1MGxI2q>.

¹⁴ The Minister of Interior has reported that one of the main corruption scandals and cases resolved was initiated based on citizens' reports. Media news [Only in Macedonian: <http://bit.ly/1qubme6>].

¹⁵ Emina Nuredinovska, Marija Sazdevski, and Borjan Gjuzelov, *Report on the Assessment of the Corruption in Macedonia* (Skopje: MCMS, 2015), 51-54.

¹⁶ The commission initiated seven cases per year. State Anti-Corruption Commission, *Annual Reports for 2013 and 2014*.

¹⁷ See notes from the conference "Be Brave, Report Corruption." As covered by the media: <http://bit.ly/1LACMz>.

¹⁸ State Anti-Corruption Commission, *Annual Report for 2013* (Skopje: 2014). Available at: <http://bit.ly/1WHD4oW>.

¹⁹ European Commission, *Annual Progress Report for 2014*, 11.

²⁰ Parliamentary questions for large discrepancies in asset disclosure by high-ranking state officials have been resolved as a factual error of the asset declarations that were accepted by the commission.

²¹ Transparency Macedonia, *Written Comments Submitted to IRM*.

²² <http://bit.ly/1qG4t89>.

²³ Available at: <http://bit.ly/1SbmLu9>.

²⁴ Nuredinovska, Sazdevski, and Gjuzelov, *Report on Corruption*, 63.

²⁵ Secretariat for European Integration, *NPAA 2014-2015*.

²⁶ Article 22, Law on Access to Information of Public Character.

²⁷ Articles 4 and 19, Law on Prevention of Corruption.

²⁸ Except for one case before the relevant legislation was adopted.

²⁹ IRM national consultations forum.

³⁰ The Access Initiative developed this guide for OGP. The chapter on asset disclosure is available at: <http://www.opengovguide.com/topics/assets-disclosureconflicts-of-interest/>.

Cluster 12- Transparency: Health and General Budgets

Action plan commitment text:

3.8. Publishing information about [...] health budgets, with particular focus on the budgetary and financial implementation of preventive programs of the Ministry of Health, obtained through a procedure of access to public information www.esem.org.mk.

Start date: None specified

End date: None specified

5.1. Implementation of the Open Budget Initiative;

- a. *Ministry of Finance each year on its website announces the Budget of the Republic of Macedonia and the amendments (if any) [...] in open format;*
- b. *Ministry of Finance will prepare and publish on its website a Citizen Budget after the adoption of the Budget [...] for the corresponding fiscal year;*
- c. *The Ministry of Health will consider publication of the delivery of health programs (financial and narrative)*

Start date: None specified

End date: 31/12/2016

7.5. Analysis [...] to implement the program [for the early detection and prevention of disease of the reproductive organs in women].

- a. *Monitoring of the program implementation;*
- b. *Research on understanding the problems and needs in [implementation];*
- c. *Lobbying by the MoH and other relevant institutions to accept specific changes derived from research and their involvement in the program for the following year.*

Start date: 1/1/2014

End date: 31/12/2016

7.6. Informing women on the rights and the services available to them with the Programme [for women's health through an information campaign...]

Start date: 1/1/2014

End date: 31/12/2016

Lead institutions: Ministry of Finance; Ministry of Health

Supporting institutions: Association for Emancipation, Solidarity and Equality of Women of Macedonia

Editorial Note: The IRM researcher clustered these commitments together for analysis because they all involve budgetary transparency. Further, the full text of the commitments' sub-activities has been abbreviated, indicated by [...].

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.8: Transparent health budget		✓			✓					✓				✓		
5.1: Open Budget Initiative				✓	✓	✓	✓	✓				✓		✓		
7.5: Analysis of women's health program			✓		✓	✓	✓			✓					✓	
7.6: Awareness-raising on women's health program		✓			✓					✓				✓		

What Happened?

This cluster of commitments aims to promote budget transparency with a particular focus on the health budgets.

The first commitment endorses civil society efforts to request and release information received (if access is provided) from the Ministry of Health (MoH). According to the government self-assessment, the MoH created a new application that provides all public information that could be legally subject to access requests. However, the Association for Emancipation, Solidarity and Equality of Women of Macedonia stated that they are the ones who carry this out, publishing information they receive by filing formal access to information requests. This group's efforts in 2013 showed that they received no response for 60% of the 433 requests they submitted to health institutions, forcing them to submit appeals.¹ However, the situation has slightly improved in 2014 and 2015. The IRM researcher's review found that the inclusion of the measure in the OGP plan helped with the proactive release of some of the data, but a substantial amount of information is still unavailable even after civil society filed formal requests. This represents limited completion of the commitment from the side of the government.

The second commitment promised an open budget and a citizens' budget. An open budget is a transparent look at the government's yearly finances, and a citizens' budget provides a clear and simple summary specifically developed for the public and that should be, according to the International Monetary Fund, widely distributed with the annual budget.² According to the self-assessment and the representatives from the Ministry of Finance, the ministry published an HTML version of the budget for 2015 on its website, while the citizens' budget is still in a preparatory phase. The ministry reports that it has contracted a service provider for printing and layout and has received a first-draft version. The IRM review found that the balance for the 2014 budget was published in an open format in September 2015.³ However, the budget for 2015 is only available as an online PDF,⁴ and the usefulness of the 2014 balance data is limited with no explanations on the different variables, making it difficult to compare. Additionally, civil society has complained that the citizens' budget needs to be published with the budget to be meaningful and that the delay makes the measure inefficient.

The government made no progress on the third part of the second commitment. CSOs request information and monitor whether the MoH responds. So far, only the budget is

published.⁵ Given the above, the IRM researcher considered the commitment to be limitedly complete.

The last two commitments refer to independent monitoring of health programs and to improving their services, including raising awareness and budget allocations. The self-assessment did not contain any information on the progress of this measure; however, the Association for Emancipation, Solidarity and Equality of Women of Macedonia reported that significant progress has been made on the independent monitoring in cooperation with the Ministry of Health.⁶

Did It Matter?

Budget and fiscal transparency continues to be limited in the country. As reported by the European Commission, “budget transparency is not ensured as comprehensive, timely and reliable budgetary information is not publicly available.”⁷ A monitoring study conducted by civil society found insufficient implementation of the legal obligations for transparency. For example, only one of the 60 monitored institutions had published semiannual reports on expenditures.⁸ Furthermore, no institution has provided a simplified version of the budget to make it more accessible and appealing for citizens. Additionally, institutions publish available information in closed formats, thus limiting the possibility for using the budget data. This shortcoming should be addressed as part of this commitment. At the time of adoption of the second national action plan, only one change to the budget was available on the open data portal.⁹ It is not clear for which year, but the change was made available on 1 January 2014.

Therefore, these commitments are very relevant, reflecting one of the key priorities of civil society identified during the previous IRM review¹⁰ as well as one of the key short-term priorities identified by the European Commission in its last progress report for 2015.

For the first commitment, although it addressed a key topic, it did not clearly specify what actions the government committed to take. Therefore, the IRM researcher could not surmise whether it would be more than a minor, but positive, step.

On the second commitment, the first citizens’ budget was produced for 2013 by an independent civil society organization (CSO),¹¹ which defined the methodology and submitted it—along with tools and the appropriate training—to the Ministry of Finance.¹² The government supported this initiative and included the provision of a citizens’ budget as a new commitment in the new OGP action plan, addressing the concern of citizens about the lack of available data on government spending.¹³ This commitment has the potential to be of transformative impact.

For the last two commitments, it is still early in the process, and the Ministry of Health is still developing the programs. However, it seems that the inclusion of the commitments in OGP provided for added value and facilitated the process of cooperation between various stakeholders.¹⁴ In that sense, they would both be good initial steps, although not major changes to the status quo.

Overall, however, the inclusion of budget transparency commitments in the national action plan has not yet affected the status quo. The Open Budget Index for 2015 concluded that the government has made no improvements and only provides minimal budget information to the public.¹⁵ No citizens’ budget was available for 2014, and fiscal transparency remains a concern.

Moving Forward

The IRM recommends further work on basic implementation and a revision of the commitment to make it more specific. Significant efforts are needed to achieve public-spending transparency, which is a high priority for stakeholders.¹⁶

The government should:

- Increase the type of information that is made available. More specifically, the government should publish a pre-budget statement, a citizens' budget, and in-year reports with detailed data; and
- Improve the quality of information on expenditure and outcomes from the budget.

Civil society has also recommended that the government consider introducing mechanisms for civil society and the public to assist the State Audit Bureau in audit investigations and in particular when designing its work program and identifying priority areas for audits.

¹ See <http://esem.org.mk>.

² For more, please see the International Budget Project, *The Power of Making It Simple: Governments Guide to Citizens' Budget*, available at: <http://bit.ly/1Y2d34o>.

³ Available at: <http://bit.ly/YnRBdw>.

⁴ Available in Macedonian here: <http://www.finance.gov.mk/mk/node/4105>.

⁵ For more information visit: <http://bit.ly/1NDxtG6>.

⁶ Darko Antic, Association for Emancipation, Solidarity and Equality of Women of Macedonia, *Written Submission to IRM*.

⁷ EC, *Annual Progress Report for 2015*, 12,

⁸ Borce Trenovski, *Monitoring Report on the Transparency and Accountability of the Budget Users* (Skopje: Center for Economic Analysis, 2014), 9. Available at: <http://bit.ly/1QoKWa1>.

⁹ See <http://bit.ly/YnRBdw> for additional information.

¹⁰ Neda Korunovska, *IRM Progress Report 2013-2014*, 112.

¹¹ Center for Economic Analysis: <http://www.mkbudget.org/>.

¹² Marjan Nikolov, President, Center for Economic Analysis, IRM personal interview, 4 September 2014.

¹³ European Commission, *Annual Progress Report for 2013*.

¹⁴ See http://edlog.mk/?page_id=413.

¹⁵ International Budget Partnership, *Open Budget Survey 2015: Macedonia* (Washington DC: IBP, 2015). Available at: <http://bit.ly/1L63On3>.

¹⁶ IRM national consultations forum.

Cluster 13- Transparency: Public Procurement

Action plan commitment text:

5.2. Public procurement;

- a. Recommendation for publication of annual procurement plans, contracts on public procurements and notifications on realized public procurement contract;
- b. Development and application of standards on transparency with a list of minimum information to be published by each institution that conducts public procurement to ensure a certain level of transparency in line with the good practices, on the websites of the contracting authorities

Start date: 1/1/2015

End date: 31/12/2016

Lead institutions: Ministry of Finance

Supporting institutions: All institutions (in consultation with the Bureau for Public Procurement)

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓		✓							✓		✓		

What Happened?

The Bureau for Public Procurement has a sophisticated e-procurement system that publishes data on procurements (<https://e-nabavki.gov.mk/PublicAccess/Home.aspx#/home>). The data allow civil society and other interested stakeholders to analyze information and better monitor government actions.¹

According to the government's third quarterly report on the implementation of the OGP action plan, the initial meeting for developing transparency standards, which included a list of information to be proactively published, took place on 29 June 2015.² The meeting served as a preparatory meeting, and the government scheduled the first consultative meeting for 15 July 2015. The self-assessment contains information about the outputs of the meeting; however, they fall outside the period covered with this report. Since the implementation of this commitment just started, there has been limited progress.

The IRM researcher's review of the web platforms of ministries and an Internet search revealed that national authorities rarely publish and/or update procurement plans. At the same time, there is more proactive publication among various institutions at the local level. This could be due to the existence of a civil society project that requests those plans and publishes them on special web platforms designed to help businesses.³ Public procurement contracts are, in general, still not proactively released.

Did It Matter?

The commitment sets out to ensure greater transparency in public procurement procedures and to make the data more accessible. It reflects the concerns identified by

civil society,⁴ takes on their recommendations,⁵ and is very relevant as public procurement transparency is considered a key way to curb corruption.⁶

Before the second national action plan, public bodies and institutions only provided a link to the e-procurement portal, and no additional information was made available. One of the stakeholders' main concerns was a lack of available data on the actual procurement contracts and their amendments.⁷ The European Commission has also recommended that the country needs to increase the transparency of public spending by publishing real-time information on all public procurement contracts.⁸ This commitment aims to address those concerns; however, it only provides for nonbinding recommendations for transparency. Legally obligating officials to release procurement information, on the other hand, would provide for new avenues of public accountability. Civil society has requested that public authorities also publish procurement data on their official websites because often citizens and interested parties search for such data on the website of the particular institution without knowing that a special e-procurement portal exists.⁹ Additionally, some civil society representatives have complained that the e-procurement portal is too complex and requires specific skills to navigate and find information. Therefore, attempts to make information more easily accessible should prove beneficial.

The commitment is also in line with the recent legal reforms that require the proactive release of tender documentation. According to the assessment of the Bureau for Public Procurement, these changes have positively impacted competition;¹⁰ however, monitoring by civil society reveals that the competition decreased in the period covered with this report. One third of the public procurement contracts are still with only one bidder.¹¹ Furthermore, it identified great discrepancies in the payment for same or similar goods and services as well as favorable, dominant positions of some companies, which raises concern for possible corruption or abuse of office.¹² Budget transparency, including public spending, continues to be a priority for civil society¹³ as well as for citizens. Most of the appeals received by the Commission for the Protection of the Right to Free Access to Public Information concern procurement documents.¹⁴

Therefore, if the commitment is fully implemented, it could transform the status quo and provide a strong framework for increased accountability. However, there are still ways to strengthen the commitment, especially taking into account that recommendations are nonbinding bylaws and usually are not implemented or are inconsistently implemented.¹⁵

Moving Forward

The IRM researcher recommends further, basic implementation of the potentially transformative measures. Various civil society organizations monitor public procurement. Thus, in-depth knowledge and expertise already exist and could facilitate implementation. As the government continues with the implementation it should:

- Take into consideration civil society findings and recommendations when designing the minimum standards for procurement transparency;
- Design a monitoring and evaluation system for the recommended standards to ensure that data is gathered on the level of implementation. This will inform the government of the effect and could potentially lead to a legal framework guaranteeing full disclosure of procurements and payments; and
- Start with full disclosure of the most important procurement contracts—for example, those above one million euro—and work on implementing a system for proactive disclosure of all contracts and their amendments.

Finally, the Open Contracting Partnership (<http://www.open-contracting.org>) could offer additional technical guidance and support for open procurement reforms. The OGP secretariat works closely with the Open Contracting Partnership and could facilitate this relationship.

¹ See for example quarterly monitoring reports prepared by the Center for Civic Communications, available at: <http://ccc.org.mk>.

² MISA, *Third Quarterly Report*, 8.

³ For Procurements [<http://zanabavki.mk/>].

⁴ [The Center for Civic Communications](#), the leading civil society organization specializing in procurement transparency, publishes quarterly reports since 2008 and implements various projects to provide information on procurements, to stimulate investigative journalism in this area, and to provide legal aid and consult for micro and small enterprises in procurement procedure.

⁵ Center for Civic Communications, *Recommendations to Facilitate the Access to Public Procurement by Microbusinesses* (Skopje: CCC, 2015-second revised edition), 13. Available at: <http://bit.ly/1WJMNpA>.

⁶ EC, *Annual Progress Reports for 2014*, 11.

⁷ European Commission, *Annual Progress Report for 2013* (Brussels: 2013), 24-25. Available at: <http://bit.ly/1Nj7Biz>.

⁸ EC, *Annual Progress Report for 2015*, 35.

⁹ Neda Korunovska, *IRM Assessment Macedonia, 2013-2014*, 88-90.

¹⁰ Bureau for Public Procurement, *Annual Report of the BPP on the Functioning of the Public Procurement System in 2014* (Skopje: 2015), 99-102. Available at: <http://bit.ly/1LZZgCL> [Only in Macedonian].

¹¹ Center for Civic Communication, *First Semi-annual Report on Monitoring the Implementation of Public Procurement 2015* (Skopje: CCC, 2015), 8-15. Available at: <http://bit.ly/1MipPkB>

¹² Center for Civic Communication, *13th Index of Rationality* (Skopje: CCC, 2015). Available at: <http://bit.ly/1SBDEz0>.

¹³ IRM national consultations forum.

¹⁴ Commission for the Protection of the Right to Free Access of Public Information, *Annual Report for 2014*, 11.

¹⁵ See OECD/SIGMA assessment reports for the country regarding public administration reforms, available at: <http://bit.ly/1RFyq4j>.

Cluster 14- Transparency: Foreign Aid

Action plan commitment text:

5.3. Foreign aid and foreign investment.

- a. Publication of documents on foreign investment in the country
- b. Publication of data on obtained and planned foreign assistance (bilateral aid and EU funds)

Start date: 1/1/2014

End date: 31/12/2016

Lead institutions: Ministry of Finance; Secretariat for European Affairs

Supporting institutions: Agency for Foreign Investments

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
		✓			✓		✓			✓			✓			

What Happened?

This commitment aims to increase transparency by proactively publishing data on foreign investments in Macedonia and received foreign aid. The first action plan laid out a similar measure that saw limited implementation.¹ Before OGP, the Agency for Foreign Investments did not provide data on foreign investments in the country,² but the Secretariat for European Affairs (SEA) has been maintaining a Central Donor Assistance Database (CDAD) for a decade.³

According to the self-assessment and information received from the SEA, no progress has been made to further improve the database on foreign-donor assistance. The IRM researcher's search of the Internet archive found that the last information released is from October 2014, so it is not clear whether the updates are timely. Additionally, the self-assessment refers to civil society efforts to obtain specific data regarding certain foreign assistance, but the government has not released information pertaining to the request submitted in January 2015. The IRM review found that the data contained at the CDAD is not reusable.

The self-assessment does not contain information about the other milestone—publication of information on public investment—and states that the implementation has not started. The IRM search of the Agency for Foreign Investments' website confirmed that the agency did not publish data during the period under evaluation.

Stakeholders in the IRM consultations were also unaware of any progress made toward this commitment.⁴

Did It Matter?

The previous IRM review recommended expanding the type and amount of data provided, both on foreign investment and on foreign aid. But this revised commitment

was unclear about what problem it targeted or how it would change the status quo in the policy area. This lack of specificity limited the potential impact of the commitment.

On the other hand, taking into consideration that foreign investments are a controversial and debated topic in the country,⁵ improving access to such data is important for the public. Currently, only aggregated data are provided by the Central Bank of Macedonia.⁶

Moving Forward

These topics do have some potential importance for the country, but taking into consideration the limited completion rate of the second action plan the IRM researcher only recommends future work on this sector if specific, concrete, and measurable steps are promised that can help actual implementation in the third action plan. Otherwise, the government should focus on other priority commitments.

In case the government continues with the implementation, it should make sure that:

- Stakeholders are consulted on the scope and type of data released on foreign aid and foreign investment; and
- The commitment is revised to include a roadmap with concrete milestones, identifying responsible authorities, a clear timeline, and indicators of success.

Several OGP participating governments that are also significant sources of foreign aid for Macedonia have included aid transparency as priorities in their action plans, such as the United States. This may represent an opportunity for collaboration between the two governments, and the OGP secretariat would be able to facilitate a dialogue between the two parties if requested. The Netherlands, Macedonia's largest bilateral donor, has included more general access to information commitments, which might also be built upon.

¹ Neda Korunovska, *IRM Progress Report for Macedonia 2013-2014*, 90-91.

² See <http://www.investinmacedonia.com/>.

³ See <http://cdad.sep.gov.mk/>.

⁴ IRM national consultations forum.

⁵ See news article, *Foreign Investments – Much Noise, Few Results* [Странски инвестиции – многу време, малку резултати], NovaTV, 2 May 2015. Available at: <http://bit.ly/1Pwk860> [In Macedonian only].

⁶ National Bank of the Republic of Macedonia [www.nbrm.mk].

Cluster 15- Local Open Government: Capacity Building

Action plan commitment text:

6.1. *Developing capacities at local level for the implementation of mechanisms for proactive communication with citizens.*

- a. *Evaluation of the capacity of municipalities to provide proactive communication with citizens;*
- b. *Development of a Program to strengthen the capacity of municipalities;*
- c. *Preparation and implementation of training for trainers;*
- d. *Preparation of curriculum and training materials;*
- e. *Implementation of the Program and Training Plan*

Start date: 1/1/2014

End date: 31/12/2016

Lead institutions: Ministry of Local Self-Government

Supporting institutions: Municipalities; Association of Local Government Units of the Republic of Macedonia – ZELS; UNDP; Local Communities; Civil society organizations¹

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓		✓	✓					✓			✓		

What Happened?

Various forms of stakeholder engagement at the local level existed before the government adopted the second national action plan.² This commitment envisages further strengthening of local capacities for proactive communication with citizens. The commitment is specific and describes key milestones to be achieved: 1) needs assessment; 2) development of a training program; 3) development of training materials and training of trainers; and 4) implementation of the capacity-building activities to support proactive consultations and communication with citizens.

The government self-assessment reported on monitoring activities conducted by civil society. However, the IRM researcher found that those activities are more focused on analyzing the current trends in participation rather than providing an assessment of the needs of the local authorities.

Additionally, the self-assessment contains information on the efforts of the Community Forum Program (<http://www.forumivozaednicata.com.mk>) that has continuously provided support for participatory policy and budget planning since 2006. The training on the process of conducting forums was included in the annual plan for trainings of the Association of Local Self-Government Units for 2015, and was conducted in May 2015.³ The training was based on a needs assessment and for the first time included a module on inclusive policy and budget planning.⁴ The IRM researcher's search of the Forum Program's archive found that a total of ten municipalities participated in the program in 2014–2015, and those municipalities, supported by the Community Forum Program, organized a total of 52 consultative sessions with citizens in the reporting period.

However, during the IRM's consultations, civil society organizations raised concerns that although municipalities carry out many diverse activities to encourage participatory policy making at the local level,⁵ most of these activities are donor dependent, which raises questions regarding commitment and ownership of the process by the local governments. Activities are dispersed, and there is a lack of coordination and transfer of knowledge. The first meeting of the OGP working group brought up these issues, and the Ministry of Local Self-Government (MLSG) sent out a questionnaire to map the initiatives at the local level in January 2014. However, this continues to be a challenge, and further efforts are needed to coordinate various initiatives.

The government self-assessment reported that the rest of the milestones are scheduled to take place in the following period, implying limited completion of the commitment during the first year. It also noted that there could be funding problems when implementing the activities. One positive note, however, is that the newly adopted Program for Local Development and Decentralization reinforces these activities.⁶

Did It Matter?

The commitment focuses on promoting the inclusive and proactive work of local governments. However, citizens have little trust in the local governments, which hampers the impact of the activities undertaken by civil society and the authorities. For example, the recent civic engagement study showed that despite the great desire for engagement and the sense of responsibility to the community there is, nevertheless, pessimism among citizens when it comes to influencing decision making in the local community. More than half (57%) of citizens believe they cannot influence the way local governments work, and an additional 19% believe they can only have limited influence. One in five citizens believe they can somewhat influence the way local governments work, and only 5% are confident that their say matters and that local governments can actually be influenced.⁷

The Forum Program continues to represent one of the most meaningful and well-organized consultative processes in the country. The commitment could help provide for a systematic inclusion of those practices in the way local governments work. This will be crucial since the program is funded until 2017. In this sense, the commitment could have a moderate potential impact.

Moving Forward

As the local governments and the Ministry for Local Self-Government continue to work in this area, the IRM researcher suggests the following be considered:

- There is a lack of coherence and clarity of the various efforts that are being undertaken at the local level. It seems that sometimes there is an overlap or lack of information. In order to facilitate knowledge sharing, a clearinghouse/database could be developed to broker different initiatives;
- A discussion on how best to incorporate feedback received from the public and stakeholders needs to be identified. Stakeholders raised concerns that initiatives are driven from the outside, and there is a need for increased ownership of those processes to secure that the practice is moved beyond the current level; and
- The sustainability of the initiative is at risk due to lack of funding. The government needs to either increase funding support or prioritize commitments in consultations with local governments, civil society, businesses, and other stakeholders.

¹ The full list of CSOs listed as supporting institutions is Center for Civil Communications; Center for Research and Policy Making; Association for the Development of the Roma Community in Macedonia; Centre for Development and European Integration – Bitola; Educational-Humanitarian Organization-Stip;

Green Power – Veles; Institute for Economic Strategies and International Affairs Ohrid – Skopje; Macedonian Center for International Cooperation; and CSW - Coordination Unit of Forums.

² Most important and widespread are “mesni zaednici,” “[forumi na zaednicata](#),” “oddelenija za komunikacija.”

³ Association of Local Self-Government Units, *Annual Training Plan for 2015* (Skopje: ALSU, 2015). Available at: <http://bit.ly/1WK6wFv> [In Macedonian only].

⁴ MISA, *Third Quarterly Progress Report*, 9.

⁵ IRM national consultations forum.

⁶ Adopted in May 2015, but the document is not made public.

⁷ Reactor–Research in Action, *Macedonians and Their Communities: Civic Engagement and Activism 2012-2014* (Skopje: Reactor, 2015), 12-18. A visualization of the key finding can be found at: www.civicengagement.mk.

Cluster 16- Local Open Government: Open Budget and Monitoring System

Action plan commitment text:

6.2. Establish an electronic platform (dashboard) with indicators for the budget and delivery of local services.

- a. Selection of pilot local self-governments, areas of local competence and local services in the relevant field;
- b. Analysis of available local statistics, [...] documents and legislation and identification of [the] framework [for preparing the] prototype [...] platform;
- c. Preparation of [municipal budget indicators] and the publication of the draft budget, and the status of implementation of the budget;
- d. Preparation of a list of relevant indicators for local services;
- e. Organizing participatory process;
- f. [Mapping and planning for involvement of] key stakeholders for each service [...];
- g. Joint (with stakeholders) designing prototype of electronic platform (dashboard) with indicators for the delivery of one or more local services;
- h. Preparation of User Manual and Maintenance Manual of the platform;
- i. Support [the] social audit process [...] based on published and continuously updated data.

Start date: 1/7/2014

End date: 31/12/2016

Lead institutions: Ministry of Local Self-Government

Supporting institutions: Municipalities; UNDP

Editorial Note: The full text of the commitments' sub-activities above has been abbreviated, indicated by [...].

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
				✓	✓	✓	✓	✓				✓		✓		

What Happened?

This is a new commitment that aims to improve the way services are provided at the local level, including transparency of local budgets. The government self-assessment reported limited progress. So far, only the municipality of Gevgelija has established an e-platform, which presents key indicators of environmental protection data.¹ Most of the remaining activities are planned for the rest of the implementation period. The government self-assessment did raise concerns, however, that the implementation of the activities might be at risk due to insufficient allocation of resources.

Because only one municipality has adopted the measure, consulted stakeholders did not have any information about the progress thus far. However they considered positive that the municipality started with environmental data as a first step in the gradual release of indicators. Environmental data, in particular about the quality of the water, has been a priority for civil society in Gevgelija. The IRM researcher's review of the e-

platform found that indicators are being developed for a total of 13 areas. The indicators refer to the number of measures taken by the municipality, but there is no data about the findings or the impact and effect they had.

Did It Matter?

The commitment sets out to transform the way local governments allocate budgets, design service delivery, and evaluate the efficiency and impact of their services with a specific focus on stakeholder participation. It builds on previous practices successfully implemented in various municipalities, and it promotes innovative ways to encourage inclusion, such as the social audit.² Taking into consideration that there is a general distrust about municipal budgets, the commitment aims to tackle a very important issue for Macedonian citizens. Namely, half of the citizens believe that the municipal tenders are unfairly awarded compared to only one in five who believe procurement is fair in their community.³ Similarly, half agree that companies close to the municipal authorities always take precedence in the tendering process.

In this sense, this commitment could potentially transform the status quo.

Moving Forward

The IRM researcher recommends completing this commitment, and in the next action plan including a significantly revised version. The next plan should include consultations with stakeholders, which are necessary to decide which type of data and services to prioritize. In this regard, the results and outputs of other commitments should be considered as building blocks.

¹ The platform is available at <http://gevgelijazagragjanite.gov.mk/>.

² For a summary of different approaches see: Manuela Garza, *Social Audits as a Budget Monitoring Tools* (Mexico: International Budget Partnership, 2012). Available at: <http://bit.ly/1GQMTtW>. For guidance on the tool see Gerardo Berthin, *A Practical Guide to Social Audit as a Participatory Tool to Strengthen Democratic Governance, Transparency, and Accountability* (New York: UNDP, 2011). Available at: <http://bit.ly/1OxhQps>.

³ Jovan Bliznakovski and Misha Popovic, *Conflict of Interest and Corruption at a Local Level: Public Opinion Survey Conducted in February and March 2015* (Skopje: Institute for Democracy Societas Civilis, 2015), 7.

Cluster 17- Local Open Government: Increasing Civic Participation

Action plan commitment text:

6.3. *Improving local services through direct collaboration with citizens.*

- a. *[Upgrade and replicate] good practice (community forums) and support [...] innovative practices (micro civic laboratories, etc.);*
- b. *Supporting initiatives generated by citizens through a collaborative process;*
- c. *Evaluation of the achieved results. Making a clause for standard transparency of the institutions at local level;*
- d. *Replicate the model in other units of local government;*
- e. *[Model] Municipal Internal Act on Transparency, [including information to be made public and how, to ensure minimum transparency] ex. announcement of the agenda of meetings of municipal Councils; list of funded NGOs in the amount of funds allocated, a brief description of the supported activity [...]*

Start date: 1/1/2014

End date: 31/12/2016

6.5. *Participatory policy making at the local level- obligatory consultations with citizens in drafting/amending of the most important acts and documents in the local government (budget, strategies, urban plans, statute);*

- a. *Preparation of the internal model Act to implement the consultation process and the development and application of IT tools;*
- b. *Promotion of Civil Society Organizations as facilitators of the consultation process.*

Start date: 1/1/2014

End date: 31/12/2016

Lead institutions: Ministry of Local Self-Government

Supporting institutions: See note.¹

Editorial Note: The IRM researcher clustered these commitments together for analysis because they all involve local participation. Further, the full text of the commitments' sub-activities has been abbreviated, indicated by [...].

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
6.3: Participation in local services				✓	✓	✓					✓			✓		
6.5: Participatory local policymaking			✓		✓	✓	✓				✓		✓			

What Happened?

This cluster of commitments aims to ensure that systemic policies and practices exist to allow for inclusive and participatory decision making at the local level.

The first commitment involves five milestones to ensure that municipalities adopt transparency rules, involve civil society, and support collaboratively designed initiatives. The government self-assessment reported that in three planning regions inclusive, participatory structures (development networks/centers) have been put in place, and that in the Vardar planning region the development center is holding annual meetings to coordinate work and transfer knowledge among different stakeholders. Additionally, 57 municipalities are already involved with the Community Forum Program² as a means for participatory policy making within their statutes. However, the IRM researcher's review found that the mechanisms in place existed before the second action plan was adopted. Therefore, the progress is limited.

Similarly, the second commitment promised to ensure mandatory consultations at the local level. However, the government has not implemented this commitment. The government reported limited progress, showcasing the consultations held through the Community Forum, but the commitment aims to ensure obligatory consultations through statutory measures, which has not taken place.³

Did It Matter?

The commitment set out to transform the way local governments make decisions and create policies. This is a very important commitment for the country since local government still lacks the capacity to ensure cooperation with CSOs.⁴ A 2014 study by Reactor showed that a majority of citizens would like to be more involved in decision making at the local level.⁵ Furthermore, the study established that the more citizens are civically engaged the more satisfied they are with life, suggesting that the implementation of these commitments could improve the wellbeing of communities at the local level.

In this sense, these commitments are very relevant and important. The first has a moderate potential impact because it assumes that citizens are empowered and will contribute once the possibility is there. Activities to support civic participation, especially among vulnerable groups, are necessary to ensure wide participation. The second commitment has a larger potential impact. If it is implemented in the next period, it could possibly transform decision making at the local level, especially with its focus on “the most important acts and documents.”

But until the government allocates the necessary resources for the implementation of the commitments, this remains only a potential for change.

Moving Forward

The IRM researcher recommends further work on the implementation of the commitments. The Ministry of Local Self-Government—in cooperation with the local governments, civil society, and relevant stakeholders—should make a roadmap for the implementation of these commitments to ensure step-by-step progress. While doing so, the governments should:

- Identify the most important policy decisions (“acts and documents”) at the local level that should undergo a consultation process and improve those that are already mandatory but are poorly conducted (such as urban planning);
- Select minimum participation standards to be implemented across municipalities in the short term;
- Work with interested local governments that are willing to invest in more collaborative consultations; and
- Measure the impact of consultative policy making to showcase success and results.

¹ The full list of supporting institutions is: Municipalities, Commission for Protection of the Right to Free Access to Public Information, Directorate for Personal Data Protection, Ministry of Information Society and Administration, other ministries, other state bodies and institutions, Association of Local Government Units of the Republic of Macedonia – ZELS, UNDP, Center for Civil Communications, Center for Research and Policy Making, Association for the Development of the Roma Community in Macedonia, Centre for Development and European Integration, Educational-Humanitarian Organization, Green Power - Veles, Institute for Economic Strategies and International Affairs Ohrid - Skopje, Macedonian Center for International Cooperation, local communities, CSW - Coordination Unit of Forums.

² For more see *Cluster 16* in this report.

³ IRM researcher review of municipal statutes.

⁴ EC, *Annual Progress Report for 2015*, 9.

⁵ Reactor, *Civic Engagement Study*. Accessible at: www.civicengagement.mk.

Cluster 18- Local Open Government: Introducing E-Services

Action plan commitment text:

6.4. Transforming the part of local services in e- services.

- a. Analysis of the possibilities for [transforming some] local services into e-services;
- b. Preparation of criteria and create a list of priority services to be transformed [...];
- c. Designing interactive web solutions;
- d. Assessing the degree of efficiency and effectiveness in terms of preparation and delivery of services in quantitative and qualitative terms;
- e. Analysis of [use] of existing capabilities of mobile phones and the number of users of these services to better access to information and use of local services;
- f. Analysis of local services as a whole or their segments can be delivered through the development and application of appropriate applications;
- g. Programme on development of priority applications for mobile phones connected to local services [and assessing degree of their utilization...].

Start date: 1/7/2014

End date: 31/12/2016

Lead institutions: Ministry of Local Self-Government

Supporting institutions: UNDP; Municipalities of Karpos, Tetovo, Veles, Dojran and Chesinovo-Obleshevo; Association of Local Government Units of the Republic of Macedonia – ZELS; MISA

Editorial Note: The full text of the commitments' sub-activities has been abbreviated, indicated by [...].

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
		✓			✓					✓					✓	

What Happened?

Although the commitment includes several milestones, the language does not provide for measurable, verifiable deliverables. Nor is it clear how this commitment complements the efforts to support the introduction of e-government, which has been implemented at the central level.¹ Before the adoption of the second action plan, four main services were introduced:

1. E-cadastre: <http://www.katastar.gov.mk/en>
2. E-procurement: <https://e-nabavki.gov.mk/PublicAccess/Home.aspx>
3. E-taxes: <https://etax-fl.ujp.gov.mk/>
4. E-customs: <http://bit.ly/Yo4Bje>

However, at the local level no significant e-services have been introduced with the exception of some public companies. The main services identified as priority services by the European Union are still not available.² Local e-services remain insufficiently developed.³

According to the government, the Ministry of Local Self-Government—with the support of the United Nations Development Program (UNDP)— prepared a draft study of local e-services, which collected responses from 37 municipalities. Additionally, the ministry organized three consultative workshops to validate findings and collect feedback on the draft methodology. The government did recognize the role of donor dependency for the implementation of this commitment,⁴ which brings into question the timely completion of the commitment and its sustainability in the future. This was also reiterated in interviews with representatives from the Ministry of Local Self-Government.

The Program for Sustainable Local Development and Decentralization in 2015–2020 took up some of the recommendations from the previous study.⁵

Did It Matter?

The commitment aims to transform local services into e-services. However, not all e-government reforms improve openness of government. When an e-government commitment is made, the government needs to articulate how the commitment enhances at least one of the OGP values: access to information, public participation, or public accountability.⁶ This commitment did not clearly do that, and so its relevance to open government was marked as unclear.

Further, due to a lack of information about concrete services the government supports, the IRM researcher was unable to assess the potential impact of the commitment as any higher than a minor, but positive, step. Further, stakeholders raised concerns about the perception that the government and the international community have taken a top-down approach regarding reforms⁷, and unless the municipalities prioritize the issue progress will remain limited.

Moving Forward

The IRM researcher recommends revising the commitment to specify how the e-government reforms will target one of the OGP values; otherwise, the commitment should be withdrawn from the OGP action plan. If it is included in a future action plan with aspects that are clearly relevant to open government, it should also consider the stakeholder concerns raised above.

¹ Strategy for E-Government, 2012-2020.

² European Commission, *Online Availability of Public Services: How is Europe Progressing?* (Brussels: EC, 2013).

³ Marjan Angeleski, Pece Mitrevski, Slavica Rochevska, and Ane Lachkoska, *Regional Pilot Study to Evaluate E-Readiness and Local E-Government Services*, *International Journal of Managing Public Sector Information and Communication Technologies*, Vol. 5, No. 2, June 2014. Accessible at: <http://bit.ly/1ldUCIv>.

⁴ MISA, *First Quarterly Report*, 15.

⁵ MISA, *Second Quarterly Report*, 14-15.

⁶ Open Government Partnership, *IRM Procedural Manual V2.0* (Washington DC: 2014), 32.

⁷ United Nations. *E-Government Survey 2014: E-Government for the Future We Want* (New York: UN, 2014). Available at: <http://bit.ly/1o3xTf8>.

Cluster 19- Open Government for Consumers

Action plan commitment text:

7.1. Increasing accountability and promoting the concept of informed consumers and citizens, service users and rights through:

- [Targeted awareness-raising] in the individual domains of consumer protection;
- Significantly increased support to civil society working in the domain of education, counseling and consumer information (includes compulsory education);
- Regular meetings Held of the Council of consumer of the Government upon constitution of [new members and publication] of findings and recommendations;
- Workshops with all stakeholders in recognition of [...] legislation and the need to further regulate. Meetings held with [...] Consumer Councils at level of local government for cooperation in education, information and advice to citizens;
- Held meetings with existing and newly formed Consumer Council at the level of local government for cooperation in education, information and advice to citizens.

Start date: 1/7/2014

End date: 31/12/2016

Lead institutions: Council for Consumer Protection of the Government of Republic of Macedonia and Organization of Consumers of Macedonia

Supporting institutions: Ministry of Economy

Editorial Note: The full text of the commitments' sub-activities has been abbreviated, indicated by [...].

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
				✓	✓	✓					✓			✓		

What Happened?

The commitment supports the implementation of the amended legal framework for consumer protection that, among other things, strengthened the operational structures.

Neither the government self-assessment nor the quarterly reports contain information regarding this measure. According to interviews with representatives of the Organization for Consumer Protection (OCP), their activities are mostly focused on raising awareness, educational issues, and advisory activities but are limited due to a lack of funding.¹ There were four regional seminars on consumer rights, four workshops for alternative dispute settlement, four capacity-building workshops for civil society, and one public event in 2014.²

The IRM researcher found limited progress in the implementation of this commitment:

- Local consumer councils were established in some municipalities, including Skopje,³ but their work is limited in smaller and less developed municipalities.
- The National Consumer Council met only once in 2014.⁴

- The Ministry of Economy launched the annual public call for support of consumer protection organizations in January 2015.⁵ The amount offered for support is approximately US\$10,000; however, the minister announced that this is insufficient and that in 2015 the funds should be tripled.

The consulted stakeholders did not have information about the implementation of this commitment but in general were of the opinion that activities focus more on raising awareness than on protection. This is despite the fact that OCP reported that they have received a total of 479 complaints in the first quarter of 2015. Most of the complaints pertain to the service of technical equipment, the quality and delivery of furniture, the return of goods, and problems with cable TV. One of the most prominent issues remains problems with utilities.⁶

A new project on consumer protection⁷ funded by the EU was launched in July 2015, and it could help complete the commitment.⁸ In particular, it allows civil society to actively participate in the formulation of policies and the protection of consumers' rights.

Did It Matter?

The commitment aims to support and advance consumer protection in the country, including transparency and citizen participation. Considering that civil society and the expert community have recommended legal reforms and improving efficiency in consumer protection structures, the commitment is very relevant. In fact, it could have a major effect on consumer protection, although its scope remains limited.

The ombudsman reported an increase in the number of complaints for violations of consumer rights. They are the second-most common type of violation, and a total of 486 complaints were filed in 2014.⁹ The limited financial resources and the poor operational structures for consumer protection continue to hold back further developments.¹⁰

Citizens are displeased with inefficiencies within the consumer protection system and with the low profile of consumer protection organizations. This situation has caused a lack of trust in the system. For example, in 2014 there was a major incident with food bacteria that resulted in several deaths, but the organizations responsible for consumer protection had no reaction and took no public measures.¹¹

Moving Forward

Further efforts are needed for basic implementation of the commitment. In particular, the IRM researcher recommends that:

- Local self-government units establish local consumer protection councils and work with them to strengthen their capacity and establish solid mechanisms for participation;
- The government allocate proper funding and adopt the biannual programs for consumer protection in a timely manner;
- The government considers legal reform in line with the recommendations of civil society and EU legislation; and
- The government monitors effectiveness of legal remedies for consumer protection to detect anomalies and propose system reforms. Solutions for already identified problems should be prioritized, such as the mandatory payment of the public-lighting tax even in areas where public lighting is not provided.

¹ IRM Interview with Mirjana Loncar Velkova and Ivo Kostovski, Consumer Organization.

² Organization for Consumer Protection, Annual Report for 2014 (Skopje: OPM, 2015), 4-8. Available at: <http://bit.ly/1L5211A> [Only in Macedonian].

³ EC, Annual Progress Report for 2014, 56.

⁴ On 17-18 December.

⁵ Ministry of Economy, Public Announcement 3 February 2015.

⁶ OPM, *Annual Report 2014* and announcement for 2015. Available at: <http://bit.ly/1WKhIrc>.

⁷ Project summary can be accessed at: <http://bit.ly/1ldO5gZ>.

⁸ Press release by the Minister for Economy, available at: <http://www.economy.gov.mk/vesti/4262.html>.

⁹ Ombudsman of the Republic of Macedonia, Annual Report for 2015 (Skopje: 2015), 147. Available at: <http://bit.ly/1XYcm8I> [Only in Macedonian].

¹⁰ OPM, *Annual Report 2014*, 57.

¹¹ See news coverage on the issue at <http://bit.ly/212k9Fb>.

V. Process: Self-Assessment

The government self-assessment was published on the e-democracy portal, <http://www.e-demokratija.gov.mk>, on 27 September 2015. While the government provided a two-week period for public comment, there is no information about whether the government received any comments. The self-assessment is based on the three quarterly reports published in January, May, and August 2015 and generally follows the structure recommended by OGP.

Self-Assessment Checklist

Was the annual progress report published?	Yes
Was it done according to schedule?	Yes
Is the report available in the administrative language(s)?	Yes
Is the report available in English?	Yes
Did the government provide a two-week public comment period on draft self-assessment reports?	Yes
Were any public comments received?	No
Is the report deposited in the OGP portal?	Yes
Did the self-assessment report include review of consultation efforts during action plan development?	Yes
Did the self-assessment report include review of consultation efforts during action plan implementation?	Yes
Did the self-assessment report include a description of the public comment period during the development of the self-assessment?	Yes
Did the report cover all of the commitments?	No
Did it assess completion of each commitment according to the timeline and milestones in the action plan?	No
Did the report respond to the IRM key recommendations (2015+ only)?	Yes

Summary of Additional Information

The self-assessment report contains an update for six out of the seven priority areas. The government does not say why some of the commitments are not covered in the assessment. The self-assessment contains much of the information that was missing in the action plan, such as contact points and their contact details, relation to the OGP grand challenges, and ambition. However, the report lacks an analytic assessment of the

achievements and often contains information that falls outside the prescribed review period. This was stressed at the consultation forums.

Overall, the self-assessment is more descriptive rather than reflective. It does not make an effort to evaluate whether OGP broadened the government's efforts for transparency, openness, and participation. This was the main concern raised by the civil society.

Follow-up on Previous IRM Recommendations

The self-assessment reflects two of the four general IRM recommendations issued in the previous report. Namely, the government is increasing awareness about OGP both within state administrations and among civil society. Also, the government has strengthened the institutional framework for OGP with the establishment of the working groups.

However, the government has not followed up on two other general recommendations.

The first refers to the commitment ambition. The IRM concluded that a number of measures in the action plan did not require new activities that stretched government practice beyond the OGP pre-existing reforms. Similarly, the second action plan also included ongoing activities from civil society. While OGP does not require new commitments, the Macedonian government failed to identify commitments that would benefit or improve the status quo via their inclusion in the OGP process. An independent assessment of the second action plan by civil society concluded that most commitments would have been implemented even if the action plan did not exist.

Safeguarding the space for civil society in Macedonia remains crucial as the first IRM report found. Unfortunately, the situation deteriorated even further in the reporting period. The following section details this situation more fully.

VI. Country Context

This section places the action plan commitments within the broader national context and discusses the concrete next steps for the next action plan. This review covers one of the most turbulent periods in the history of the country. Systemic problems have been revealed with the discovery of illegal surveillance and significant shortcomings have been identified in areas relevant to OGP.¹

Top Issues

- **Illegal surveillance emerged as an issue.** The government allegedly conducted illegal surveillance on 15,000 citizens, which has contributed to a deterioration of the already low level of confidence in state institutions. Many stakeholders consider the oversight of the intelligence services to be inadequate and inefficient.² Mobile operators have declined citizens' requests to obtain data on the number of citizens who were allegedly under surveillance.³ The European Commission has noted that "the Macedonian government, the parliament, and relevant oversight bodies failed to react adequately to the revelations."⁴ Massive surveillance is antithetical to the broader open government agenda.
- **Trust in state institutions has eroded.** Furthermore, there are growing concerns about selective justice.⁵ The current political crisis has created a perception that party interests are increasingly prevailing over national interests.⁶ The widely held perceptions that the public administration is politicized and lacks transparency⁷ have only been strengthened with the allegations of illegal surveillance. The EC has reported that "tailor-made, political and arbitrary recruitments took place on a large scale."⁸
- **Space for civil society shrank.** CSOs have "continued to express serious concerns about the difficult climate in which they operate, including harsh criticism by politicians and pro-government media, and a limited government commitment to dialogue."⁹ The surveillance scandal revealed a massive erosion of fundamental rights, including the right to participate in public affairs.¹⁰ The use of excessive force and the detention of peaceful protestors, who were critical of the ruling government, were frequent occurrences in the last year.¹¹
- **Media freedom continued to deteriorate.** Over the past year, serious concerns were raised about government control over media, including in the context of elections. For example, OSCE/OIDHR has raised concerns about media independence, alleging that the government controls prominent media outlets through state-funded advertisement.¹² There is a setback in media freedoms, and 2014 saw the lowest ranking in the Reporters without Borders Index since the country's independence.
- **Consultations for some major reforms were lacking.** In the last year, the government excluded the public from major proposed reforms, including constitutional reform. As a result, civil society groups and spontaneous popular movements were very active, pushing back against a number of government-backed legislative measures.¹³ Massive protests—comprised of students, professors, and schoolchildren—and public opposition led to the withdrawal of most of the policies even after they were adopted.

Stakeholder Priorities

Similarly to the previous IRM review, participatory policy making and the fight against corruption, including access to data and information, remain key stakeholder priorities. Stakeholders expressed concerns with the lack of analytical assessment of the achievements made prior to the OGP action plan and the lack of established clear links between activities and the objectives they aim to achieve. Finally, CSOs argued repeatedly for the allocation of adequate resources, including budget allocations, in order to ensure implementation. In particular, the following measures were identified as most significant:

1. Protection of whistleblowers
2. Budget transparency, including transparency of public spending
3. Institutional mechanisms for public participation

The areas that gave rise to concern included the following:

1. Inadequate budget allocations for the implementation of the OGP commitments and delay in the implementation of most of the commitments
2. A lack of genuine interest and responsiveness to public consultations
3. A prevailing closed culture within government institutions
4. The ineffectiveness of the internal control mechanism and independent control bodies
5. A lack of quality data that is released in open formats, as well as its limited scope

Furthermore, stakeholders pointed to a number of priority areas not reflected in the current action plan that they suggest including. New commitment policy areas include:

1. Oversight of law enforcement, including from civil society
2. Right to assembly and other forms of direct participation
3. Quality of data management and record keeping within state and public institutions

Scope of Action Plan in Relation to the National Context

The OGP guiding principles acknowledge that open government is a process that requires ongoing and sustained commitment. Therefore, it is of crucial importance that commitments are updated in light of new challenges or opportunities. The current crisis and its solutions require the inclusion of new commitments that will monitor the needed system reform as outlined with the EC's Senior Expert Group reports and its recommendations.¹⁴

It is encouraging that the Macedonian action plan included several commitments on key issues that were stakeholder and national priorities. However, overall, the action plan is limited in scope and ambition. Many of the commitments were too vague to measure or only included minor first steps to address the serious policy issues.

¹ European Commission, *Recommendations of the Senior Experts' Group*.

² Neda Korunovska, *Parliamentary Control over the Government* (Skopje: OSF, 2013)..

³ Individual request filled and access was denied. The commission did not protect the right to access to statistical data. The cases are brought in front of the administrative court.

⁴ EC, *Annual Progress report for 2015*, 6.

⁵ Please see monthly monitoring reports of the Helsinki Committee for Human Rights, accessible at: www.mhc.org.mk.

⁶ EC, *Annual Progress Report for 2014*, 2.

⁷ EC, *Annual Progress Report for 2014*, 11.

⁸ EC, *Annual Progress Report for 2015*, 10.

⁹ Ibid, 9.

¹⁰ European Commission, *Recommendations of the Senior Experts' Group*, 5.

¹¹ ICCPR Concluding Observations, 2015. Accessible at: <http://bit.ly/1OzYwbl>.

¹² OSCE/OIDHR, *Election Observation Mission: Final Report* (Warsaw: OIDHR, 2014), 16. Available at: <http://bit.ly/1H6vvQL>.

¹³ Marija Risteska, *NIT Macedonia*, 431.

¹⁴ Available at: <http://bit.ly/1MGxI2q>.

VII. General Recommendations

This section recommends general next steps for Macedonia's OGP process rather than for specific commitments.

Continue the practice of broad consultations.

The development of the second action plan saw genuine consultative processes with the publication of a time line and the inclusion of stakeholders outside the capital. The government should continue cooperating with civil society and ensure that the consultations are broad, timely, and transparent. Efforts should be made to broaden the scope to include businesses, local government, academia, and media.

Make ambitious, specific commitments.

The lack of new commitments that are innovative and potentially transformative has continued to hamper the effectiveness of the OGP process in the country. As was the case with the first action plan, many of the commitments in the second action plan did not stretch government practice beyond the existing pre-OGP reforms or push beyond the status quo in the relevant policy area. Additionally, a large number of commitments were not specific or measurable, and the large number of commitments and individual activities may have challenged implementation in a resource-restricted environment. In the next action plan, the government should focus on fewer, but more specific and transformative, measures. It should avoid the “catchall” approach of making the action plan a patchwork of many existing government and civil society efforts without clear coherence, interdependence, and a unified vision.

Support reform-driven institutions and agents.

The IRM review found that some of the institutions involved in the OGP process are leaders in their attempts to drive reforms further, mobilize support, and move the system beyond “practice as usual.” Therefore, the government should ensure that the OGP processes establish links between those actors and provide for the transfer of knowledge among institutions. Agents of change should be identified, mobilized, and supported in the process.

Integrate efforts to increase their effectiveness.

The IRM researcher's review of the implementation of the commitments identified that in many cases there are often similar efforts that overlap or even repeat. The government should strategically focus and integrate efforts and resources by linking and streamlining those measures to avoid “over inflation” of regulations, platforms, or mechanisms with similar purposes and goals. Examples include merging similar platforms or avoiding regulating the same issue across different legislations.

Ensure an enabling environment for civil society.

Civil society is a hallmark for democracies. For OGP to be successful the legal framework and implementation must stimulate the work of civil society activists and experts and allow for their full participation. The government should consider supporting different forms of civic engagement, including by building on some of the successes from this action plan identified in Section IV.

Involve parliament.

Many of the existing commitments are linked to the parliament; however, the parliament has, so far, not been involved directly in the open government initiatives.

The parliament has been traditionally one of the most open institutions in Macedonia, allowing for direct participation of civil society and stakeholders in its work, and it will be beneficial to involve the parliament in the next action plan. This could facilitate adoption of the required legal reforms but also provide for a more collaborative environment through multi-party forums existing within the parliament. The fact that some of the members of the parliament have already participated with the Open Parliament initiatives [<http://www.openingparliament.org/>] reiterates their willingness to support the open government agenda at national level.

Top SMART recommendations

Given the findings and context above, the IRM researcher presents the following five recommendations. She has made an effort to design them according to ‘SMART’ criteria—Specific, Measurable, Answerable, Relevant, and Timebound.

TOP FIVE ‘SMART’ RECOMMENDATIONS
1. The third national action plan should focus on substantial problems already identified in the previous years of the OGP process in Macedonia. These problems should be matched with transformative but realistic commitments that can be achieved in a two-year action plan.
2. The development of the next action plan should be at least as inclusive as the second action plan. The process should also continue to be transparent and allow for more diverse stakeholder participation. Consider using participatory deliberative methods to ensure that commitments are prioritized and the action plan is focused.
3. The government should allocate sufficient resources, including budget allocations, for the implementation of the OGP action plan. If resources are limited, prioritize commitments.
4. The next action plan should focus on commitments to ensure reforms from the following key areas, all of which are identified as potentially transformative priorities by stakeholders or the researcher’s analysis of the national context: <ul style="list-style-type: none"> ● Budget transparency, including transparency of public spending and payments ● Quality of data management and record keeping within state and public institutions ● Effectiveness of the institutional mechanism for public participation ● Safeguards for the right to free expression, freedom of the press, and right to assembly
5. Engage parliament in the process to foster public trust in the institution. Consider participating more fully in the Open Parliament initiative.

VIII. Methodology and Sources

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

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

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

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

Introduction

This report is based on a mixed method approach used during the IRM review. Based on the OGP IRM guidelines, the instruments used for the preparation of this report are interviews with responsible institutions and stakeholders, consultation forums, desk-based analysis, observations, and surveys. In total, 13 individuals were interviewed, two stakeholder forums were held, and 46 responses were received through the survey. Additionally, four civil society organizations provided written comments to the IRM researcher.

Observation

Data collection was supplemented with participant observation methods. The lead researcher and one research assistant attended six meetings of the OGP working groups. Members of the working group meeting were aware of the observations being made. The researchers assessed group dynamics, power relations, decision-making processes, and the inclusiveness of the process. The researchers suggested key topics and follow-up measures. Additionally, the lead researcher observed the e-mail communication and consultations that took place between meetings or as a substitute for meetings. The researcher reviewed the documents to assess the level at which the discussions were reflected.

Interviews and Focus Groups

Interviews were conducted with each of the coordinators of the priority areas. In total, 11 civil servants were interviewed. Additionally, two stakeholder forums were organized, one for the organizations in Skopje and one for those coming outside of the capital. Due to the low turnout of participants, the focus groups took the form of a group

interview each lasting for 90 minutes. The following participants were involved at the stakeholders' forum:

- Ibedetka Cupeska (Roma Center Sastipe, Berovo)
- Vane Andonov (Assosiatoon Distrophia, Strumica)
- Misa Popovikj (Institute for Democracy, Skopje)
- Konstantin Atanasovski (Ekoskop, Skopje)
- Marija Sazdevski (Macedonian Center for International Cooperation, Skopje)

Additionally, written responses were received from Darko Antic (Association for Emancipation, Solidarity and Equality of Women of Macedonia, Skopje), Ana Janevska (Transparency Macedonia, Skopje), Jasmina Trajceva (Women Organization Sv.Nikole, Sv.Nikole), Nada Naumovska (Foundation Open Society Institute – Macedonia), and Violeta Gjorgjievska (Internet Hotline Provider Macedonia).

Surveys

In an attempt to reach out to more stakeholders and to assess different parts of the OGP process, three separate surveys were conducted. Responses from the surveys were incorporated into the discussions on each relevant chapter or commitment.

The first survey was administered in September 2014 and assessed the process of the development of the second national action plan. The IRM researcher sent the online survey to all 124 participants of the consultations workshops, and received a total of 13 responses were received. The survey focused on questions regarding the meaningfulness of the consultations and asked a wide range of questions from how the decisions were made to who was present and whether diverse opinions were shared.

The second survey aimed to assess the effectiveness of the working groups. Individual invitations to complete the survey were sent to all lists of contacts for the working groups. The questionnaire focused on the practicalities of the work (i.e. invitations for sessions), decision making, and the partnerships between different stakeholders. Members were also asked to grade the overall satisfaction with their working group as well as to reflect on whether they think the working groups are an efficient mechanism for coordination of OGP in the country. A total of 18 responses were received.

Following the publication of the self-assessment, the third survey was sent to all stakeholders who participated at the initial consultations as well as to general civil society mailing lists, such as those administered by TACSO, used by the EU Delegation in Skopje, and existing networks (IPA mechanisms, Gender Equality Platform, National Youth Council, etc.). A total of 15 responses were received.

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

About the Independent Reporting Mechanism

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

The current membership of the International Experts' Panel is:

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

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

IX. Eligibility Requirements

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

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

	2011	Current	Change	Explanation
Budget Transparency ²	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information ³	4	4	No change	4 = Access to Information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration ⁴	3	4	↑	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (7.94) ⁵	4 (7.65) ⁶	No change	<i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total/Possible (Percent)	15/16 (94%)	16/16 (100%)	↑	75% of possible points to be eligible

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

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

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

⁴ Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009): [://bit.ly/19nDEfK](http://bit.ly/19nDEfK); Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," *Government at a Glance 2009*, (OECD, 2009).

[://bit.ly/13vGtqS](http://bit.ly/13vGtqS); Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009). [://bit.ly/1cl0kyf](http://bit.ly/1cl0kyf); For more recent information, see <http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and *de facto* public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjLj4Y>.

⁵ Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: Economist, 2010). Available at: [://bit.ly/eLC1rE](http://bit.ly/eLC1rE).

⁶ Economist Intelligence Unit, "Democracy Index 2014: Democracy and its Discontents" (London: Economist, 2014). Available at: <http://bit.ly/18kEzCt>.