

Macedonia: 2014-2016 End-of-Term Report

During the implementation of the second OGP national action plan, released recordings of illegal surveillance revealed significant shortcomings in areas relevant to OGP. Despite this, the government completed one third of its commitments, and the OGP framework set up a model for best practices in broad participation and collaboration with civil society.

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 Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. This report summarizes the results of the period July 2014 to June 2016, and includes some relevant developments up to September 2016.

Macedonia began formally participating in OGP in August 2011. Initially, the lead coordinating agency was the Ministry of Foreign Affairs (MFA) but, in 2012, the government transferred responsibility for OGP to the Ministry for Information, Society, and Administration (MISA).¹ The government also established working groups for each of the seven priority areas beginning in January 2015.² The lead agency for each priority area chairs the corresponding working group. The working groups represented a multi-stakeholder forum on OGP implementation.

Macedonia adopted its third national action plan in June 2016, following a collaborative participation process in the first half of 2016. MISA and the working groups were key to ensuring inclusion and collaboration during deliberation of the action plan. This confirmed the positive trend in OGP processes at the national level. The government published its end-of-term self-assessment report in September 2016.

The new action plan contains 35 commitments and 100 milestones in eight areas. While the priority areas remain the same (with the addition of climate change and public services), the commitments differ significantly. Overall, the new commitments build on IRM comments and the priorities of different stakeholders, hence, the new action plan is more ambitious and many of the commitments (or milestones) are potentially transformative.

Table 1: At a Glance		
	Mid-term	End-of-term
Number of commitments	51	
Level of completion (milestones)		
Completed	9	16
Substantial	8	7
Limited	23	18
Not started	11	10
Number of commitments with:		
Clear relevance to OGP values	51	
Moderate or Transformative potential impact	6	
Completed	9	16
All three (⊕)	0	3
Did it open government?	Major	1
	Outstanding	0
Moving forward		
Number of commitments carried over to next action plan:	23	

¹ Government of the Republic of Macedonia, Government's conclusion following Information about activities towards Becoming Full Member of the Open Government Initiative, 46th Government Session held on 2 December 2012.

² These areas are: 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 the local level; and 7) Improved services and protection of consumers and of the citizens—users of services and rights. The decision to establish the working groups was adopted in 2014 (see

Government of the Republic of Macedonia, Conclusion on point 45, from the 260th Government meeting held 20 May 2014), but the groups were established in 2015 (MISA, Decision for the establishment of working groups of all stakeholders for implementation of the Action plan for OGP 2014-2016, 6 February 2015).

Consultation with civil society during implementation

Countries participating in OGP follow a process for consultation during development and implementation of their OGP action plan. In the first half of 2015, seven working groups were established, one for each priority area. Civil society participated in these groups on an equal footing.

The positive trend in consultations continued during both the second and third action plans. During implementation of the second action plan, the consultation process took place within the working groups and online. All working groups, but one, functioned throughout the period. The working group on consumers' and citizens' services and protection never met, although e-mail exchanges of comments and written recommendations occurred among the members.

Consultations were left up to the chairpersons of the working groups (always civil servants from the lead authority), and civil society representatives did not request meetings or additional consultations. Therefore, the work of these groups was limited to sharing reports on implementation of the action plan measures by government and civil society representatives.

The working groups consistently monitored progress throughout the implementation period, and produced five quarterly reports. Three of those reports were issued in the first year, and two in the second. The groups also produced a midterm self-assessment and an end-of-term report, both of which were adopted by the government. All reports were made public on the e-democracy portal, e-demokratija.gov.mk.

Upon receipt of the quarterly reports, the government adopted one of its conclusions and mandated responsible institutions to meet with relevant civil society representatives to agree on potential steps to speed up the implementation of two measures. This did not improve implementation. Thus, the working groups served mainly as a platform for sharing information and raising awareness of OGP.

The working groups were crucial in coordinating different actions and inputs during development of the new action plan. The Ministry of Information, Society, and Administration (MISA) designed a very inclusive process that effectively resulted in the public's co-creation of the third OGP action plan.

The process was announced on time on the MISA website and e-democracy portal, and shared with the working groups and other interested parties via e-mail. It included a mix of online and offline consultations that effectively engaged a wide variety of stakeholders (489 participants), including national and local government officials, and representatives from civil society, academia, media, and business.¹ Five open meetings were organised, and 87 suggestions received. One novelty was that, for the first time, the government published a summary of all the recommendations it received, and included them in the new action plan.²

Of the 87 suggestions received, 27 were not included in the new action plan. The government provided reasons for its decisions,³ but civil society representatives raised concerns about the exclusion of some relevant commitments.⁴ The government adopted the plan in June 2016. Further details on this process will be presented in the upcoming 2016-17 IRM progress report.

Table 2: Action Plan Consultation Process

Phase of Action Plan	OGP Process Requirement (Articles of Governance Section)	Did the Government Meet this Requirement?
During Implementation	Regular forum for consultation during implementation?	Yes
	Consultations: Open or Invitation-only?	Open
	Consultations on IAP2 spectrum ¹	Collaborate

¹ Ministry of Information Society and Administration (MISA), “*Proposal for a New National Action Plan for Open Government Partnership 2016-2018*,” (Skopje: MISA, 2016), 6-10.

² Available in Macedonian at <http://e-demokratija.gov.mk/web/quest/dokumenti>.

³ Ibid.

⁴ Open letter by a group of civil society participants in the OGP process.

Progress in commitment implementation

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

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity.
2. The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
3. The commitment would have a “transformative” potential impact if completely implemented.
4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of “substantial” or “complete” implementation.

Based on these criteria, Macedonia’s action plan did not contain any starred commitments at the midterm. At the end of term, due to changes in the level of completion, Macedonia’s action plan contained three starred commitments.

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, see the OGP Explorer at www.opengovpartnership.org/explorer.

About “Did it open government?”

Often, OGP commitments are vaguely worded or not clearly related to opening government, but they actually achieve significant political reforms. Other times, commitments with significant progress may appear relevant and ambitious, but fail to open government. In an attempt to capture these subtleties and, more importantly, actual changes in government practice, the IRM introduced a new variable ‘did it open government?’ in End-of-Term Reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment’s implementation. This can be contrasted to the IRM’s “Starred commitments” which describe *potential* impact.

IRM researchers assess the “Did it open government?” with regard to each of the OGP values relevant to this commitment. It asks, did it stretch the government practice beyond business as usual? The scale for assessment is as follows:

- Worsened: worsens government openness as a result of the measures taken by commitment.
- Did not change: did not change status quo of government practice.
- Marginal: some change, but minor in terms of its impact over level of openness.
- Major: a step forward for government openness in the relevant policy area, but remains limited in scope or scale
- Outstanding: a reform that has transformed ‘business as usual’ in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes *as implemented* for changes in government openness.

Readers should keep in mind limitations. IRM End-of-Term Reports are prepared only a few months after the implementation cycle is completed. The variable focus on outcomes that can be observed on government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report.

Table 3. Overview: Assessment of Progress by Commitment

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	End of term		Worsened	Did not change	Marginal	Major	Outstanding
															Substantial	Completed					
Cluster 1. Participation: Improving ENER																					
1.1. Technical improvements				✓		✓	✓			✓						✓					
1.2. Legal improvements			✓			✓	✓			✓			✓					✓			
1.3 Publishing results of ENER				✓	✓	✓	✓			✓					✓				✓		
Cluster 1I. Participation: Participatory Policymaking																					
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			✓		✓	✓	✓		✓			✓	✓					✓			
Cluster 1II. Participation: Capacity Building for Civil Society Organizations																					

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding
1.5. Capacity-building for civil society		✓					✓						✓						✓		
1.6. OGP awareness raising		✓				✓							✓		✓					✓	
4.8. Anti-corruption research and LOTOS study		✓				✓	✓								✓	✓			✓		
Cluster 1V. Participation: Education, Cyber Safety and the Environment																					
7.3. Inclusive education Capacity-building for civil society			✓			✓							✓	✓					✓		
7.4. Center for Safer Internet Action Plan			✓			✓						✓	✓						✓		
7.7. Participation in environmental protection study			✓		✓	✓						✓	✓						✓		
Cluster V. Open Data: Standards and Platform																					
2.2 Technical Standards			✓		✓		✓								✓	✓			✓		
2.5. Datasets Requests		✓			✓		✓								✓	✓			✓		
2.6. Data Mashup Platform		✓			✓		✓								✓	✓			✓		

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	End of term		Worsened	Did not change	Marginal	Major	Outstanding
															Substantial	Completed					
Cluster VI. Open Data: Inventories and Proactive Transparency																					
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		✓			✓					✓			✓	✓					✓		
Cluster VII. 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		✓			✓					✓			✓	✓						✓	
Cluster VIII. FOI: Legal Reform																					
3.9. Amending FOI Law			✓		✓				✓						✓				✓		



General overview of commitments

As part of OGP, countries are required to make commitments in a two-year action plan. end-of-term reports assess an additional metric, ‘did it open government?’ The tables below summarize the completion level at the end of term and progress on this metric. Note for commitments that were already complete at the midterm, only an analysis of ‘did it open government?’ is provided. For additional information on previously completed commitments, please see IRM’s midterm progress report for Macedonia.

Macedonia’s OGP action plan consisted 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.

Implementation of the measures was entrusted to 43 state and local institutions. Several civil society organisations and international organisations functioned as either lead implementers or partners. While the number of commitments increased substantially from 35 in the first action plan to 51 in the second action plan, IRM assessed them as less ambitious. Only six commitments were potentially transformative.

This End-of-Term Report revealed that three commitments (1.8, 4.1, and 5.2) were specific enough, clearly relevant to opening government, had a transformative potential impact, and had substantial or complete progress. These “starred” commitments were the first such commitments for Macedonia.

Finally, as seen in the first action plan, commitments based on civil society initiatives tend to have a lower degree of implementation and a greater likelihood of ‘dropout’ from OGP.

Clustering

IRM grouped Macedonia’s OGP commitments into 19 clusters (see table below). This was because of overlapping measures, and to facilitate analysis due to their contextual relationship. Grouping commitments (and their multiple milestones) this way avoids repetition and make reading easier for OGP stakeholders. The IRM researcher has kept the order of the commitments from the second action plan. New shorter names were assigned to match the format of this report.

New Cluster Name	Commitment Name and Original AP Numbering¹
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
3. Participation: Capacity Building for Civil Society Organisations (CSOs)	7.2: Publication of citizens’ assessment of public services
	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	2.1 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
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 FOI
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
	7.6: Awareness raising on Women's Health Program
13. Transparency: Public Procurement	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 For example, 4.3 stands for Priority 4, Measure 3 from the OGP action plan.

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

Commitment 1.1 Technical Improvements

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

Commitment 1.2 Legal Improvements

Commitment Text: 1.2. Strengthening the rules for work and use of ENER.

Commitment 1.3 Publishing Results of ENER

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

Responsible institution: Ministry of Information Society and Administration (MISA)

Supporting institution: Macedonian Center for International Cooperation (CSO)

Start date: 1/9/2014
30/9/2015

End date:

Commitment Overview	Specificity				OGP value relevance (as written)				Potential Impact				Completion		Midterm		Did it open government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding
1.1: Technical improvements				✓		✓		✓		✓						✓			✓		
1.2: Legal improvements			✓			✓		✓		✓			✓					✓			
1.3: Publishing results of ENER				✓	✓	✓	✓	✓		✓				✓		✓			✓		

Commitment aim

This cluster of commitments aimed to improve the policy making consultation process by enhancing the single electronic register of legislation (ENER). At the time the commitments were pledged, ENER existed, but was not user-friendly, and different administrative bodies used it inconsistently. Specifically, the commitments set out to:

- Technically improve the platform to ensure that citizens' comments were published and the platform was user-friendly;

- Make ENER a mandatory tool for public participation in decision making, by making it technically impossible to submit legislative proposals to the government without going through the platform and online public consultations for a minimum of ten days; and
- Make the independent monitoring results of ENER public, in particular those regarding standards and rules for public participation.

Status

Midterm

Commitment 1.1: Complete

Commitment 1.2: Limited

Commitment 1.3: Substantial

The web portal is now user-friendly, with an improved interface, lowered subscription requirements, an expanded search function achieved by aligning legislative categories with the Official Gazette,¹ and the automatic publication of citizens' comments on the portal three days after submission.² Efforts were also made by civil society and government to raise awareness about ENER's potential for enhancing participatory policy making, such as publishing a guide, producing a video on ENER, and appearing in different media.³

Regarding commitment 1.2, the government planned to adopt a ruling by September 2015 to ensure the obligatory and automated use of ENER at all stages of the legislative process. It did not adopt such a ruling, however, and instead reported that ENER had been merged into the e-government intranet where the procedure, stages, and steps were described. Ministries could no longer submit draft legislation for approval by the government, unless it had already been published on ENER for public review.⁴ While consultations are mandatory, according to the Law on Organization and Operation of the State Administration and the Rules of Procedure of the Government, in practice they rarely take place. It should be noted that the technical solution does not apply when laws are deliberated in an expedited fashion and adopted by the government without being made available to the public through ENER.

The final commitment in the cluster reflects a civil society initiative to track and publish the results of ENER's use. Although the government did not write the commitment, it does publish the findings and results on the portal, thereby, making them accessible to the public. The government also follows up on recommendations provided in the Government Mirror reports, mainly through the technical upgrade.

For more information, please see the 2014-2016 IRM midterm report.

End of term

Commitment 1.1: Complete

Commitment 1.2: Limited

Commitment 1.3: Complete

There was no further progress on the implementation of commitment 1.2, as the government did not adopt the sub-legal act guideline. This conclusion is based on the government's final self-assessment report⁵ as well as interviews conducted by the IRM researcher. Commitment 1.3 was completed when the annual monitoring report by the responsible CSO was published and promoted in May 2016.⁶

Did it open government?

Access to information: Marginal

Civic participation: Marginal

Public Accountability: Marginal

In the last several years, many initiatives have been taken to facilitate public consultations during policy development, in particular, legislative deliberations. Although statutory obligations for public consultations existed even before the country joined OGP,⁷ in practice, consultations rarely took place.

Most legislative proposals come from the government, and ENER was already recognized as the main platform for participatory policy making in the first national action plan. Thus, this cluster of commitments aimed to further improve ENER.

Despite completion of two of the commitments, this cluster opened government practice on access to legislative information only marginally. The government provides information on draft laws and comments through ENER, but feedback on public consultations (except for a few answers on the platform⁸) is practically nonexistent. The IRM researcher's review of ENER found no reports on consultations in 2015 and 2016;⁹ inconsistent publication of Regulatory Impact Assessments; only seven reports referring to public consultations; and no reports referring to comments made on ENER. Furthermore, the ministries did not provide annual plans for regulatory assessments. According to the review, only four ministries announced consultations for a total of 13 laws in 2016, compared to 2015, when five ministries announced a process for revision or adoption of 94 laws.

Civic participation has also improved only marginally. Draft regulations are published on ENER during the final stage. When the government adopts them, there is usually very little space for influence. While there is a statutory obligation to publish notices at the start of the deliberation, the IRM review of the platform found inconsistency in their publication, and they were often published only in the final stage, along with the draft legislation.¹⁰ In total, less than 10% of the laws published on ENER in 2015, and less than 3% published in 2016, had notices on ENER.¹¹

Most of the legislation in Macedonia is proposed and deliberated on by the government. According to the regulatory impact assessment, consultations and alternatives are taken into consideration and reviewed by the government in the first and second stages of the deliberation of legislation. In practice, however, this rarely happens. ENER allows for comments only on draft regulations that have already been discussed and deliberated, and are ready to go to Parliament. Thus, by the time the legislation is made available to the public, the space for adjustment is very small, since the government has already aligned its positions. In fact, the government only formally approves the draft legislation at this stage.

Not all legislative proposals go through public consultations. Independent monitoring by the Macedonian Center for International Cooperation showed that, out of all the laws adopted in 2015, only 16% were published on ENER. For 39% of all published laws, public consultations did not take place, or lasted for less than the minimum number of 10 days.¹² Overall, less than one-fifth of laws adopted by the government and submitted to Parliament in 2015 and 2016 were published on ENER. Therefore, while ENER provides a technical solution to increase transparency and allow for public consultations, it is highly underutilized.¹³ Finally, by publishing the independent monitoring of ENER, the government has recognized the importance of receiving and reviewing critical reflections on the usability and effectiveness of ENER. However, the "Mirror of the Government" reports have still not improved accountability.

Carried forward?

The new national action plan follows up on the results of this commitment, and includes new commitments aimed at further strengthening participatory policy making. The new commitments build on IRM recommendations, address the biggest concerns identified, and have transformational potential. In particular, the government plans to:

- Expand the minimum period for consultations beyond the current 10 days;
- Introduce internal methodology for monitoring public consultations, and publish an annual report on the findings; and
- Publish information from government sessions on adopted legislative proposals, conclusions, and recommendations.

Additionally, the government should support the Parliament, which joined the Open Parliament Initiative to strengthen its review of legislation, especially when proposed by the government. One possibility is to make it mandatory for the government to elaborate on the consultations and publish their results. Inclusion of Parliament was one of the IRM's SMART recommendations made in the midterm assessment.

¹ The IRM researcher subscribed to ENER and tested its usability during the period covered by this report.

² MISA, *Users Instructions for Government Editors* (Skopje: MISA), 7, accessed, <http://bit.ly/1WMLIV4> [In Macedonian].

³ Available, in Macedonian, at: <http://bit.ly/1MRTIBm>.

⁴ MISA, *Mid-term Self-Assessment* (Skopje: MISA, 2015), 7.

⁵ MISA, *Final Self-Assessment Report for the Implementation of the National Action Plan 2014-2016*, (Skopje: MISA, 2016).

⁶ Marija Sazdevski, Borjan Gjuzelov, and Natasa Ivanoska, "Mirror of the Government 2015: Participation of the Public in the Processes of Preparation of Laws" (Skopje: MCIC, 2016).

⁷ The Government introduced public consultations with the Regulatory Impact Assessment Regulation in 2011. Before this provision, public consultation was only an option for government authorities.

⁸ For example, the reply to one law was that the government sought to revise only one specific area of the law. Thus, the substantial comments received were not considered. The Government Mirror review of 2015 noted that a total of 38 comments were posted, but only five received responses.

⁹ One report from 2012 is available at: <http://bit.ly/2hJQNsY> [in Macedonian].

¹⁰ The IRM researcher also tested this option. She informed the relevant public official of her interest in taking part in the consultations, but did not receive a reply.

¹¹ The IRM researcher's computation, which was based on public data available at ENER.

¹² Marija Sazdevski, Borjan Gjuzelov, and Natasa Ivanoska, "Mirror of the Government 2015: Participation of the Public in the Processes of Preparation of Laws" (Skopje: MCIC, 2016), 34-39.

¹³ The IRM researcher's computations are based on publicly available information on ENER and the Parliamentary website, www.sobranie.mk.

II. Participation: Participatory Policymaking

Commitment 1.4 Assessing Impact of Government Mirror

Commitment Text: 1.4. Monitoring of openness of government institutions in the processes of policy making [...].

Commitment 1.7 Use of e-democracy by Stakeholders

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

Commitment 1.8 Civil Society Council (☼)

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

Commitment 1.9 Code of Good Practice

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

Commitment 1.10 Strategy for Cooperation with Civil Society

Commitment Text: 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].

Commitment 7.2 Publication of Citizens' Assessment of Public Services

Commitment Text: 7.2. Publication of the results of using ENER – “Mirror of the Government.”

Responsible institution(s): General Secretariat of the Government

Supporting institution(s): Ministry of Information Society and Administration (MISA) and CSOs¹

Start Date: 1/1/2014
ongoing

End Date:

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Comple- tion		Midterm End of term		Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding
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			✓		✓	✓	✓		✓				✓	✓				

Editorial Note: Commitment 1.8 is a starred commitment, because it is measurable, clearly relevant to OGP values as written, of transformative potential impact, and was substantially or completely implemented.

Commitment aim

The commitments under this cluster sought to enhance the policy and institutional framework for increased public involvement in the policy making process. They also aimed to strengthen some of the measures from the Strategy for Cooperation with Civil Society.² Those measures focused on reporting mechanisms used to assess the implementation of the Code of Good Practice for Participation of Civil Society Sector in Policy Creation,³ the Strategy itself, and government openness. One of the commitments pledged to establish the Civil Society Council, one of the most important measures promoted by civil society in 2012.

Status

Midterm

Commitment 1.4: Limited

Commitment 1.7: Limited

Commitment 1.8: Limited

Commitment 1.9: Limited

Commitment 1.10: Limited

Commitment 7.2: Not started

The second commitment (1.7) was designed to promote the e-democracy portal by encouraging and monitoring its use. Limited progress was made during the first year of implementation, and stakeholders continue to underutilize the portal. The latest blog or forum post dates from 2015 and, apart from MISA and OGP-related documents, only one additional document has been added by another public institution.

The third commitment (1.8) referred to the establishment of an advisory council to encourage the development of civil society. The government made little progress on this commitment in the first year by presenting a draft decision to regulate the process for the composition, election, and competence of the council.⁴ CSOs raised serious concerns and comments during two public consultations, and submitted written comments. The main concerns were

the majority of government representatives, the process of appointing civil society representatives, and the areas of competence.

The fourth commitment (1.9) concerned 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,⁵ and a public call for contributions to the preparation of the Annual Work Program of the government.⁶ The IRM researcher found limited progress on this commitment. Only seven proposals were received from civil society in 2015. These included recommendations for the government's Annual Work Program. The General Secretariat published an abbreviated assessment of the implementation of the Code of Good Practice, based on the responses from 15 state institutions. The survey received a 20% response rate.⁷

For more information, please see the 2014-2016 IRM midterm report on Macedonia.

End of term

Commitment 1.4: Completed

Commitment 1.7: Limited

Commitment 1.8: Completed

Commitment 1.9: Limited

Commitment 1.10: Limited

Commitment 7.2: Not started

The government's end of term self-assessment report and the IRM researcher's desk and media review and interviews showed no further progress on the implementation of commitments 1.9, 1.10, and 7.2. Similarly, there was no progress on the second commitment (1.7), as the IRM review of the portal found no evidence of its use, except by MISA.⁸ The use of the portal was monitored under the previous national action plan; its use actually declined in 2013 and 2014. No additional promotional activities were conducted during the reported period,⁹ although a total of 32 civil servants attended one-day trainings in 2015 and 2016 on the introduction to e-government. The use of e-democracy by stakeholders will continue to be limited, due to the lack of awareness, the absence of documents on the platform, and the fact that no substantial discussions are taking place on the platform.

Commitment 1.4 was completed when the Macedonian Center for International Cooperation published and promoted the annual monitoring report in May 2016.¹⁰ The report noted a deterioration in government openness, compared to 2014. The 2016 results were closer to the monitoring results of 2012, the year the country joined OGP.

Regarding the establishment of the Civil Society Council (commitment 1.8), the government adopted the decision to establish the council in May 2016.¹¹ The IRM researcher has, thus, determined that this commitment was completed. This is a starred commitment by OGP standards, since it had a transformative impact, was specific enough, related to OGP values, and was completed in the second year of implementation. It is worth mentioning that the decision to establish the council came as a surprise for many civil society organisations, as they believed it departed from the current standards for cooperation. Their main concerns were the composition of the Council (not on equal footing), the criteria for appointing its members, and the procedure for selecting CSO representatives.¹² The EU Delegation facilitated consultations between the government and civil society on 26 May 2016. Eighty-nine of the most prominent CSOs urged the government to withdraw the decision, and effectively boycotted the process.¹³ CSOs argued that the process for selecting their representatives was not clear, the time frame was very limited, and no mechanisms for oversight of the process were provided. Still, this had no impact and, on 7 July 2016, the government appointed representatives who submitted applications with many CSO endorsements. Regardless, the IRM researcher found no evidence¹⁴ that government

members had been appointed, or that the council was functional at the time of the writing of this report.

The IRM researcher also could not find evidence of progress on the implementation of commitments 1.9 and 1.10. The February 2016 annual report on the implementation of the Strategy for Cooperation with Civil Society (the Code of Good Practice is one of the targets) noted limited progress.¹⁵ An independent assessment of the cooperation, published in 2016, pointed to the lack of political will for substantial cooperation. The assessment concluded that the dialogue between government and civil society was underdeveloped, and the situation and involvement of civil society organisations in policy making and law drafting had worsened.¹⁶

It further revealed that only 10% of the public funds disbursed to civil society had been allocated through a transparent public call.¹⁷ Improving transparency of public funding is the main objective of the Code of Good Practice.

Did it open government?

Access to information: Did not change

Civic participation: Worsened

Public accountability: Did not change

The Strategy for Cooperation with Civil Society (2012-2017) contained measures that potentially could have transformed the work of the government, with increased public participation. This commitment sought to enhance some of the key measures, such as the establishment of a Council for Cooperation, which was only an option under the strategy.

However, most of the commitments were limited in their implementation and, therefore, did not change government practice. The European Commission also noted unwillingness on the part of government to engage with CSOs.¹⁸ The assessment produced under commitment 1.4 concluded that policy making inside government institutions was more closed; less information was being made available, time frames for consultations were decreasing significantly, and fewer efforts were made to proactively engage and consult stakeholders.¹⁹ Additionally, the controversy surrounding the establishment of the Council jeopardised its credibility and effectiveness. In short, this cluster did not change government practice vis-a-vis civil society, while the process for establishing the Council (which could potentially provide an opportunity for public participation) marred its independence and worsened the situation.

The IRM researcher believes it is important to monitor the work of the Council in the future to address the implementation of the commitment and its effects regarding OGP values.

Carried forward?

The new national action plan seeks to bolster open government, with the addition of three new commitments:

- The establishment of the Council is scheduled for the first six months. The IRM researcher recommends an extensive revision of the Council's function, with special consideration for the concerns raised by CSOs in Macedonia. This would bolster the Council's public credibility;
- The improvement of the Code of Good Practice remains in the new action plan. The new wording emphasises civic participation in the design of the government's annual work plan. However, this is only a general strategic priority plan that lacks operationalisation. Therefore, focusing on the key aspects of the Code of Good Practices (such as transparency in government funds to CSOs) would be crucial to opening the government further;
- A new Strategy for Cooperation with Civil Society (2018-2020) is envisioned. The quality of the strategy will depend on how it is adopted, although this alone will not be sufficient for its implementation. The current strategy was developed in a very

collaborative manner, and is strongly supported by the government and CSOs. However, the implementation of the strategy is very limited. The IRM researcher believes an independent assessment of the strategy's implementation, as well as a strong and independent monitoring mechanism would be beneficial. The role and composition of the new Council is key. Appropriate resources (financial and human) should be allocated for the implementation of the strategy. This would send a strong signal that the political will for dialogue and cooperation does exist indeed.

The e-democracy portal was not carried forward. During this IRM review, the portal was not functional at all times and underutilized. The idea was to have one central platform for participation (i.e., ENER), hence, the exclusion of the ineffective e-democracy portal is in line with IRM recommendations.

¹ The full list of CSOs named as supporting institutions includes 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, and Polio Plus.

² The Strategy for Cooperation with Civil Society (2012-2017) is the second national strategy that envisages commitments by the government to implement measures that will promote, improve, and ensure active civic participation in decision making. The full text of the strategy is accessible at: <http://bit.ly/2jx8eBz>.

³ The code was a non-binding guiding document adopted by the Government in 2011. It prescribes best practices, forms, and ways of ensuring participation of civil society in the policy making of government bodies. The text can be accessed [in Macedonian] at: <http://bit.ly/2jz7dZ9>.

⁴ The first draft was presented in December 2014, and a second in February 2015. Civil society submitted substantial comments, and the process was stalled after February. The drafts, comparison between them, and summary comments can be found [in Macedonian] at: <http://bit.ly/2k04HbB>.

⁵ In Macedonian, available at: <http://bit.ly/1KProUW>.

⁶ <http://nvosorobotka.gov.mk/>, published in September 2014.

⁷ In the introduction, the report states that it is published as a result of a conclusion the government adopted in its session held on 23 June 2016. This conclusion requested regular reports on the progress of cooperation with civil society every six months. Since the report falls outside the period covered by this report, it will be analyzed in the next IRM assessment.

⁸ The use of MISA is limited to OGP related activities only.

⁹ For comparison, when it was launched in 2011 and 2012, 18 promotional and educational events were organized by MISA.

¹⁰ Marija Sazdevski, Borjan Gjuzelov, and Natasa Ivanoska, "Mirror of the Government 2015: Participation of the Public in the Processes of Preparation of Laws" (Skopje: MCIC, 2016), available at: <http://bit.ly/2jKTTil>.

¹¹ Official Gazette, "Decision for Establishing a Council for Cooperation and Development of Civil Society" (No. 98/2016), 17 May 2016.

¹² Document submitted by MCIC and Balkan Civil Society Development Network, available at: <http://bit.ly/2k04HbB> [In Macedonian].

¹³ Open letter to the Government, signed by 89 CSOs, available at: <http://bit.ly/2cqrJVE> [in Macedonian].

¹⁴ www.nvosorobotka.gov.mk.

¹⁵ General Secretariat, "Report from the Implementation of the Strategy for Cooperation with Civil Society Sector in 2015", (Skopje: 2016), available at: <http://bit.ly/2clUxfy> [In Macedonian].

¹⁶ Simona Ognenovska, "Report on the Enabling Environment for Civil Society in Macedonia in 2015," (Skopje: MCIC, 2016).

¹⁷ Macedonian Center for International Cooperation, Direct Budget Financing for Civil Society Organization: Basic Overview, November 2016.

¹⁸ EC, Annual Progress Report for 2016, 9.

¹⁹ Ibid., endnote 8.

111. Participation: Capacity Building for Civil Society Organisations

Commitment 1.5 Capacity Building For Civil Society

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

Commitment 1.6 OGP Awareness Raising

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

Commitment 4.8 Anti-Corruption Research and LOTOS Study

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

Responsible institution(s): Ministry of Information Society and Administration (MISA)

Supporting institution(s): State Commission for Preventions of Corruption; Center for Research and Policy Making (CSO)

Start Date: 1/12/

End Date: 31/12/2016

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding
1.5 Capacity-building for civil society		✓					✓		✓				✓						✓		
1.6 OGP awareness raising		✓				✓			✓				✓		✓					✓	
4.8 Anti-corruption research and LOTOS study		✓				✓	✓		✓							✓			✓		

Commitment aim

This cluster of commitments was designed to enhance civil society's capacity to monitor policy making at both the national and local levels. It also focused on raising awareness of OGP and addressing the "demand" side of public policy, namely, the watchdog roles of civil society. Implementation was led by the Center for Research and Policy Making (CRPM), since the commitments were based on their program activities.

Status

Midterm

Commitment 1.5: Limited

Commitment 1.6: Limited

Commitment 4.8: Complete

CRPM reported that they improved the capacity of seven organisations to monitor implementation of policies in more than half the municipalities in Macedonia.¹ Because this effort was small, the IRM researcher found limited implementation of the commitments in this cluster.

On the question of raising awareness of OGP (commitment 1.6), CRPM and the Ministry of Information Society and Administration (MISA) organised events under an EU-funded project. That is, CRPM supported and facilitated consultations for the development of the second national action plan, and held one regional conference on OGP in October 2014.

Commitment 4.8, building CSO capacity to monitor local anti-corruption activities, was completed. Seven civil society organisations published the LOTOS study jointly in 2015. The study found that the municipalities lacked good governance, scoring an average of 3.53 (out of 10). There was also a wide gap in governance, with the majority (53% of 43 municipalities) scoring below average.²

For more information, please see the 2014-2016 IRM midterm report.

End of term

Commitment 1.5: Substantial

Commitment 1.6: Substantial

CRPM has reported that, under commitment 1.5 (CSO capacity building to monitor policy implementation), monitoring of the implementation of CSOs' recommendations, coupled with mentoring activities, have further strengthened the capacities of local CSOs. The seven trained researchers monitored policies in the 43 municipalities, which resulted in the publication of a study in May 2015. This study is publicly available. CRPM also reported that at least 29 municipalities³ have implemented the recommendations to some extent, thus strengthening some aspects of their transparency, accountability, or responsiveness. For example, the Municipality of Bitola has started publishing its official gazettes from a closed jpg format into more searchable pdf formats. The project also contributed to the exchange of good practice. For example, service cards which provide information for accessing services and which are used by the Municipality of Kriva Palanka were adopted and implemented by the Municipality of Bogdanci. The IRM review has found that some of this improvement is sustained. For instance, while both the municipalities of Krusevo and Suto Orizari made their financial statements for 2013 public initially, only the latter continues to publish its financial statements. A limited number of CSOs were part of this commitment, but their work extended to one-third of the local communities. Hence, IRM has assessed this effort as substantial.

The government also reported substantial progress vis-a-vis commitment 1.6. MISA, along with the responsible institutions and CRPM, organised a variety of consultations to develop Macedonia's third OGP national action plan. Three thematic workshops were held in March 2016, and attended by 110 stakeholders. This was followed by a conference with 97 participants, four additional thematic workshops in April, and an additional conference in May. In total, almost 500 stakeholders were reached,⁴ and commitments proposed by different stakeholders were included in the new action plan. This reflected the collaborative nature of the process. While the main purpose of these activities was to develop the third action plan, they also succeeded in raising awareness of OGP. Even though only one in three CSOs are familiar with OGP,⁵ the IRM researcher considers the scope of the activities to be a substantial implementation of the commitment.

Did it open government?

Civic participation: Marginal

Public accountability: Did not change

This cluster of commitments focused on building CSO capacity. Their success can only be determined by CSOs' ability to take part in and influence national and local decision making. Overall, there were dissonant effects, with minor improvement in CSO participation in national and local policy making, and major improvements in the development of the new OGP action plan. The third action plan reflects strong collaboration, as it includes ambitious commitments that are long-term priorities of civil society (e.g., access to information about government sessions).⁶ Moreover, the capacity building activities served to establish relationships between reform-oriented civil servants and other stakeholders in society.

Both state officials and civil society were satisfied with the quality of the interactions, the overall consultation process, and the decisions and measures included in the new OGP action plan. Although there were dissonant voices, both civil society and state officials noted a positive trend within OGP. However, the impact is limited to those civil actors and officials who were present at the meetings and who are involved directly in these processes. The positive trend has not influenced policy making at the national level, as the space for civil society there has decreased.⁷ The IRM researcher thus considers this progress marginal, even though the positive example set by the OGP consultations can be used as a model for the future.

The commitments aimed to increase public accountability through improved oversight by civil society. Nevertheless, limited efforts, as well as narrow implementation focused only on participation, did not lead to increased accountability of public officials or civil servants.

Carried forward?

The three commitments did not carry over to the third action plan, since they were completed or considered to be substantially completed. Participatory policy making is a priority in the new action plan, but capacity building of CSOs is not a goal of the new commitments.

¹ Qendresa Sulejmani, *Working Groups and the Implementation of the OGP Action Plan in the First Quarter* (Skopje: CRPM, 2015), 10.

² Marija Risteska and Aleksandar Cekov, *Local Accountability, Transparency and Responsibility Study-LOTOS2014* (Skopje: Center for Research and Policy Making, 2015).

³ This amounts to 67.4% of the monitored municipalities, or 35% of all municipalities.

⁴ Copies of list of participants were made available to the IRM researcher.

⁵ CRPM, *Survey Report*, (Skopje: CRPM, 2016), 2.

⁶ One of the milestones within the new measure 1.1. *Improving the process of consultation with stakeholders the process of policy making* is 1.1.5, "Publishing press release from held meetings of the government with adopted legislative proposals, decisions and other measures."

⁷ Jovan Bliznakovski, *Nations in Transit: Macedonia 2017* (Freedom House, 2017).

1V. Participation: Education, Cyber Safety, and the Environment

Commitment 7.3: Inclusive Education Capacity Building for Civil Society

Commitment Text: 7.3. *Inclusive elementary and secondary education for persons with disabilities.*

Commitment 7.4: Center for Safer Internet Action Plan

Commitment Text: 7.4. *[Implement] the Center for Safer Internet Action Plan [...] with Inhope Macedonia.*

Commitment 7.7: Participation in Environmental Protection Study

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

Responsible institution(s): Ministry of Education and Science; Ministry of Environment and Physical Planning

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

Start Date: 1/1/2014
31/12/2016

End Date:

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple-tion		Midterm End of term		Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding
7.3: Inclusive education			✓			✓					✓		✓					✓			
7.4: Center for Safer Internet Action Plan			✓			✓					✓		✓					✓			
7.7: Participation in environmental protection study			✓		✓	✓					✓		✓					✓			

Commitment aim

This cluster of commitments aimed to improve legislative frameworks in sector specific areas in participation with civil society. More specifically, the commitments set out to:

- Provide a roadmap for reform of education laws, in partnership with a leading disability organisation.
- Create a Center for Internet Safety.

- Improve environmental legislation to increase protection and participation, as well as conduct awareness raising activities.

Status

Midterm

Commitment 7.3: Limited

Commitment 7.4: Not started

Commitment 7.7: Not started

Progress on this cluster of commitments was limited, although the current legal framework in education does not hinder inclusion.¹ An initial meeting between the organisation, Polio Plus, and the Ministry of Education took place on 1 April 2015. In that meeting, they pledged closer cooperation in building a new Strategy for Development of Education, among other goals. The Law on Primary Education and the Law on Secondary Education were amended four times² during the first year of the action plan, but the government did not initiate a debate regarding inclusive education. While inclusive education is guaranteed, legal amendments are needed to ensure implementation in practice.

According to civil society representatives, the government did not make progress on creating a Center for Internet Safety (commitment 7.4), despite proactive initiatives from civil society.³

As to commitment 7.7, the IRM researcher found no progress in its implementation.

For more information, please see the 2014-2016 IRM midterm report.

End of term

Commitment 7.3: Limited

Commitment 7.4: Not started

Commitment 7.7: Not started

The government's end of term self-assessment report did not contain any information about the implementation of these commitments. Additionally, the IRM researcher could not find evidence of any further attempts by government to make progress in these three areas. This was confirmed by civil society organisations.⁴ The roadmap for reforms of the education laws was not adopted, and while children and youth with disabilities have started to be enrolled in regular schools, segregated schools remain predominant in the country.

Did it open government?

Access to information: Did not change

Civic participation: Did not change

This cluster of commitments supported inclusive sector specific reforms in priority areas for citizens, as evidenced by an opinion poll.⁵ It envisaged informed decision making grounded in the findings and practices from civil society.

The IRM researcher gathered that civil society organisations prioritise changes in the legal framework, despite improvements in practice. Civil administration in Macedonia still requires guidance in legislation, rather than shared experiences, to transfer knowledge and improve practices.⁶ While a strategy for inclusive education exists, its implementation is limited because inclusion is sidelined. There is a need for a change in attitudes within the system and society about how to approach inclusion.⁷ The lack of information on these commitments in the government's self-assessment suggests it may not be committed to full implementation within the framework of OGP.

Carried forward?

The new national action plan does not contain commitments that follow up on this cluster. Like the first action plan, commitments based on initiatives from civil society have a greater likelihood of 'dropout' from OGP, owing to the lack of progress.

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 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.

³ Violeta Gjorgjievska, Internet Hotline Provider Macedonia, written contribution to IRM.

⁴ *Ibid.*, 3.

⁵ The survey found that citizens are least interested in information "held" by the government and line ministries. On this question, interviewees provided equally divided answers. Half are not interested in obtaining this type of information. Two-thirds of citizens are interested in information held by the municipalities, education, and health care institutions, while a slightly higher share is 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>.

⁶ Judit Holvevenger 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>.

⁷ Conclusions, Annual workshop of association of special educators.

V. Open Data: Standards and Platform

Commitment 2.2 Technical Standards

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.*

Commitment 2.5 Datasets Requests

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

Commitment 2.6 Data Mashup Platform

Commitment Text: 2.6. *Establishing a platform for data mashing (pilot 11 institutions).*

Responsible institution(s): Ministry of Information Society and Administration (MISA)

Supporting institution(s): None specified

Start Date: 1/5/2014
30/6/2015

End Date:

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding
2.2: Standards			✓		✓			✓			✓					✓			✓		
2.5: Dataset requests		✓			✓			✓		✓						✓		✓			
2.6: Data mashup platform		✓			✓			✓		✓						✓			✓		

Commitment aim

This cluster was intended to improve open data in Macedonia, by regulating and specifying legal, technical, and procedural aspects of releasing data.

Status

Midterm

Commitment 2.2: Complete

Commitment 2.5: Complete

Commitment 2.6: Complete

In January 2015, the government adopted 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.”¹ This came into effect in February 2015, and

set technical standards for data format and publication. With this, the commitment was completed.

Commitment 2.5 (making it possible to request data) was also completed in the first year of implementation. The new open data portal, launched in July 2014, allows stakeholders to request the release of data in open formats.²

Commitment 2.6 refers to a platform to allow a mashup, or combination, of different data. The platform included 11 institutions in the pilot phase, but the IRM review found that the government introduced a data intersection function on the portal that expanded the application to all institutions that provided datasets.

Based on the government's end of term self-assessment report, these commitments were completed, and no further progress was noted. The IRM researcher confirmed that limitations noted in the midterm report remain. Most importantly, the functionality of the platform is built for all current and future datasets. The IRM researcher tested this with only three datasets, although most of the published data are not databases. This renders the possibility of combining data very limited in practice. Additionally, no new datasets were released in the second year of implementation. Eleven were published between July and September 2016.

Did it open government?

Access to information: Marginal

These commitments were built on recommendations from the IRM review of the first national action plan. The open data portal was considered a potentially transformative measure. Along with the newly-adopted Law for Use of Data from the Public Sector, it offers incentives and obligations for the proactive release of data that was limited at the time of adoption of the action plan.

The commitments were a positive step forward in providing proactive access to information. However, the impact was marginal, mainly because only few institutions released data. Twenty-seven out of the 85 government bodies (or 128 institutions included under the law) released data to the public. Moreover, the type and quantity of data were insufficient. For example, the most used data was the address book of kindergartens and, by law, the data released only contained a single variable. Finally, usability of the data was limited. Most data, while released in an open format, did not allow reuse, due to the way they were recorded and stored. The IRM researcher's review of the portal revealed that more than half of the published data (56%) was never downloaded, while only seven pieces of data (less than 5%) were downloaded more than 100 times. The most popular data were downloaded 448 times. The IRM researcher believes the standards should improve the situation in the future; however, the effects were limited during the second action plan.

Carried forward?

The commitments were completed, and there is no follow up in the new action plan. However, the government contends that activities within the Strategy for E-Government and Open Data will continue outside the OGP process.

¹ Published in the Official Gazette No.15/2015, 2 February 2015.

² Direct link at: <http://bit.ly/1LOEQMY>.

V1. Open Data: Inventories and Proactive Transparency

Commitment 2.1: Proactive Open Data Access

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.

Commitment 2.3: Open Data Catalog

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

Commitment 2.4: Open Data Contact Persons

Commitment Text: 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 [...].

Commitment 3.4: Access to Information Contact Persons

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

Commitment 3.5: Proactive Access to Information

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

Responsible institution(s): Ministry of Information Society and Administration (MISA); Commission for Protection of the Right to Free Access to Public Information

Supporting institution(s): All information holders

Start Date: 1/4/2014
31/12/2016

End Date:

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding
2.1: Proactive open data access	✓				✓					✓				✓					✓		
2.3: Open data catalog			✓		✓						✓		✓					✓			
2.4: Open data contact persons			✓		✓					✓			✓						✓		

Commitment 3.4: Limited
Commitment 3.5: Limited

There was limited progress on open data. The IRM review of the portal revealed that only four new datasets were released in the second year of implementation. Utilization of the portal is low, and only sparse data have been released. Several datasets were used as follows:

- 7 pieces of data were downloaded more than 100 times
- 12 were downloaded more than 20 times
- 15 were downloaded more than 10 times
- 18 were downloaded more than 5 times

The majority of the released data (87) was never viewed or downloaded. The most frequently downloaded data were:

- Address book of public and private kindergardens
- Number of disabled people per municipality
- Address book of children vacation hostels
- List of health institutions that perform preventive examinations of workers
- List of transferred numbers between mobile operators

The government's end of term self-assessment report and a review by the IRM researcher showed no further progress on the implementation of commitments 2.3, 2.4, and 3.4.

CSOs proactively monitoring transparency in Macedonia maintained that state and local authorities tend not to comply with statutory obligations for releasing information.¹ These authorities score better when it comes to information related to obligations from the FOI law, such as the official handling requests for access to information. On average, 61% of ministries and 52% of municipalities have this information.² Additionally, fiscal transparency is the weakest area, as budget and spending information is rarely published. For example, recent monitoring by a CSO showed that institutions are more open when they receive a formal request for information, and rarely publish any information proactively, especially information about annual budgets and spending.³

Did it open government?

Access to information: Marginal

Proactive transparency was one of the key priorities identified by civil society in all IRM reviews. Commitments under this cluster all aimed to promote the release of information and datasets proactively, thereby curbing the secretive culture in government.

These commitments changed government practice on proactive transparency only marginally, with the introduction of the new open data portal. There are still serious concerns about the government's willingness to open information.⁴ Civil society added that data and information were not collected in a timely way or updated, and that the formats in which they are stored limited the usability of such information. Serious efforts are needed to improve the quality and scope of government-held information. Indeed, the government has accepted this issue, and the new OGP action plan contains a measure to ensure the proper cataloguing and recording of data collected and stored by government bodies.⁵

Carried forward?

None but the commitment to strengthen the proactive release of information were carried forward. However, the government stated in its end of term self-assessment that all the activities would continue as competences of the relevant institutions, due to statutory obligations guaranteed by law. Taking into consideration that the legal framework existed before Macedonia joined OGP, but did not guarantee implementation, pushing for compliance in the next action plan is important.

¹ German Filkov, Sabina Fakic, and Marko Mitevski, *Index of Active Transparency 2016*, (Skopje: Center for Civic Communication, 2016), 12 [available at: <http://bit.ly/2dumzw6>, in Macedonian].

² Ibid.

³ Association for Emancipation, Solidarity and Equality of Women, *Proactive and Reactive Transparency for 2015*, (Skopje: ESEM, 2016), [available at: <http://bit.ly/2cDMolq>, in Macedonian].

⁴ IRM personal interview with key civil society experts in the area: Qendresa Sulejmani, Marija Sazdov, German Filkov, and Nada Naumovska, September 2016.

⁵ OGP National Action Plan, Measure 2.4, 21, 3rd.

V11. FOI: Human, Operational and Financial Resources

Commitment 2.7: Trainings on Use of Data

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

Commitment 3.2: FOI Trainings

Commitment Text: 3.2. 3.2. Educating officers and officials at the information holders.

Commitment 3.3: Commission Website

Commitment Text: 3.3. Making a new web site of the Commission.

Commitment 3.6: Commission Resources

Commitment Text: 3.6. Improving the financial and human resources of the Commission.

Responsible institution(s): Commission for Protection of the Right to Free Access to Public Information

Supporting institution(s): All information holders, Ministry of Finance, Ministry of Information Society and Administration (MISA)

Start Date: 1/4/2014
31/12/2016

End Date:

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did it Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	End of term	Worsened	Did not change	Marginal	Major	Outstanding
2.7: Trainings on use of data		✓			✓					✓						✓				✓		
3.2: FOI trainings		✓			✓					✓					✓					✓		
3.3: Commission website			✓		✓			✓		✓						✓				✓		
3.6: Commission resources		✓			✓					✓				✓						✓		

Commitment aim

These commitments sought to strengthen the human, financial, and technical resources supporting the implementation of the legal framework for access to information and release of open data.

Status

Midterm

Commitment 2.7: Complete

Commitment 3.2: Substantial

Commitment 3.3: Complete

Commitment 3.6: Limited

Commitments 2.7 and 3.3 were completed at the midterm. A new website for the Commission for Protection of the Right to Free Access to Public Information was established, and the Ministry of Information, Society, and Administration (MISA) conducted trainings on the new obligations from the improved legal framework. Commitment 3.2 was assessed as substantially completed, owing to trainings conducted for local administration and judicial officials. Commitment 3.6, improving Commission resources, was the only one in the cluster that had limited progress. The Commission remained underfunded and understaffed, and its budget decreased gradually each year.¹

For more information, please see the 2014-2016 IRM midterm report.

End of term

Commitment 2.7: Complete

Commitment 3.2: Complete

Commitment 3.3: Complete

Commitment 3.6: Limited

The government's self-assessment did not state any additional progress on the commitments. However, a review of the Commission's website and media reports showed that six additional trainings for 70 mostly newly-appointed officials were organised by the Commission.² The officials came from a variety of institutions, such as local authorities, state institutions, public companies, academia, the judiciary, and health and education institutions, all of which expanded the scope of the trainings. Considering that the Commission continues to organise and conduct trainings even beyond the end of the term, this commitment (3.2) is considered complete.

Commitment 3.6 had limited progress, since the government did not allocate additional resources, and the Commission remained underfunded. The government reported that there was an increase in the overall budget, due to the transfer of four staff members from other state authorities to the Commission. However, the Commission ended its 2015 financial year with a debt of approximately USD28,500, mostly for utility bills.³ This debt is an increase of 8% compared to that in 2014. Moreover, the unrestricted funds for the Commission remain extremely limited, thus hampering its work.

Did it open government?

Access to information: Marginal

In the last decade, the Commission has been a cornerstone institution guaranteeing the right to free access to information.⁴ Since its establishment, however, it has lacked the necessary human and financial resources to implement its obligations. In that sense, the commitments that address this issue fill an important gap.

Despite significant completion, the commitments only marginally improved access to information, due to the unambitious nature of the measures. There is increased information about the work of the Commission, due to its events and media coverage. The IRM researcher also noted an increase in the number of complaints submitted to the Commission

by citizens,⁵ which may suggest that citizens are more informed and see the Commission as a useful legal remedy for protecting their rights. While it is possible that some of the effects of the other commitments could potentially lead to greater openness over time, the IRM researcher could not assess whether greater compliance and respect for the right to access information were achieved because of these commitments.

Carried forward?

The third national action plan contains a commitment on access to information, with several milestones, one of which is the training of public officials (3.2). The other measures in this cluster were not carried over to the new action plan. Some of the new milestones build on IRM recommendations in the midterm review, and are potentially more ambitious. They include the proactive disclosure of information, and the publication of requested information online.

¹ Commission for FOI, *Annual Reports 2010-2015*.

² <http://komspi.mk/en/>.

³ Commission for FOI, *Annual Reports for 2015*, (Skopje:FOI Commission), 38 [available at: <http://bit.ly/2c0Z88R> in Macedonian].

⁴ Dance Danilovska-Bajdevska, *Protection of the Right to Free Access to Information in Macedonia*, master thesis, 2016.

⁵ 356 from a total of 960 complaints in 2015 were submitted by citizens, compared to 136 from a total of 849 in 2015. Commission for FOI, *Annual Reports for 2015*, 6.

VIII. FOI: Legal Reform

Commitment 3.9: Amending FOI Law

Commitment Text: 3.9. Amending the Law on Free Access to Public Information

Commitment 3.10: Working Group on CoE FOI Convention

Commitment Text: 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.

Responsible institution(s): Ministry of Justice

Supporting institution(s): Commission for Protection of the Right to Free Access to Public Information

Start Date: 1/9/2014
30/9/2015

End Date:

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple-tion		Midterm End of term		Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding
3.9: Amending FOI Law			✓		✓				✓						✓			✓			
3.10: Working group on CoE FOI Convention				✓	✓					✓		✓						✓			

Commitment aim

These two commitments focused on developing the legislative framework for protecting the right to access information in Macedonia. This was done by amending the legislation and preparing to ratify the Council of Europe's (CoE) Convention that the country signed before joining OGP.

Status

Midterm

Commitment 3.9: Substantial

Commitment 3.10: Not started

Parliament adopted amendments to the law in August 2015.¹ The changes did not reflect the needs and priorities identified during public consultations on the OGP action plan. Instead, they dealt mainly with restructuring fines. The self-assessment did not discuss progress on

commitment 3.10 (working group on CoE FOI Convention), and the IRM researcher found no progress.

For more information, please see the 2014-2016 IRM midterm report.

End of term

Commitment 3.9: Complete

Commitment 3.10: Not started

Second amendments to the FOI Law were adopted in March 2016. The process was led by the Ministry of Justice, and did not include the Commission, OGP working group, or the working group established earlier to facilitate implementation.² The amendments were mostly technical. In its end-term report, the government stated that it had established an inter-ministerial working group on the Council of Europe Convention. The IRM review found no evidence for this, however. Additionally, the FOI Commission had no information about joining an inter-ministerial working group.³

Did it open government?

Access to information: Did not change

At the time this report was written, civil society organisations were contesting the use of the FOI law. The European Commission noted a decrease in the amount of information made public.⁴ In addition, the 2016 amendments to the law did not impact the law's implementation, since they were technical in nature. The government in the new action plan notes that limited access to information is mainly due to mutual refusals, as well as the failure of public institutions to either provide access to information, or make them available proactively. As a result, the level of transparency is inadequate.⁵

Carried forward?

The commitments were not carried forward. As there are significant shortcomings in the legal framework and the extensive scope of the exemptions,⁶ the IRM researcher recommends that the government reconsider commitments to further support implementation.

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

² IRM review of the working group communication and information submitted.

³ IRM personal Interview with Commission representatives in OGP Working groups.

⁴ EC, Annual Progress Report for 2016, 12.

⁵ Third OGP Action Plan (2016-2018), 25.

⁶ SIGMA, Baseline Measurement Report: The Principles of Public Administration, (OECD: 2015), 63 [available at: <http://bit.ly/2d1Xdoc>].

IX. FOI: Public Awareness and Partnership Building

Commitment 3.1: Public Awareness about Right to Information

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

Commitment 3.7: Memo of Cooperation

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

Responsible institution(s): Commission for Protection of the Right to Free Access to Public Information

Supporting institution(s): All municipalities, Open Society Foundation – Macedonia; Association for Emancipation, Solidarity and Equality of Women of Macedonia; Center for Civil Communication

Start Date: 1/4/2014
31/12/2016

End Date:

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did it Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding	
3.1: Public awareness about right to information			✓		✓	✓				✓					✓				✓			
3.7: Memo of Cooperation			✓		✓	✓				✓			✓					✓				

Commitment aim

This cluster of commitments sought to build partnerships between the Commission for Protection of the Right to Free Access to Public Information and civil society, so as to raise awareness about the right of free access to information.

Status

Midterm

Commitment 3.1: Substantial

Commitment 3.7: Not started

The IRM researcher has concluded that substantial progress was made on commitment 3.1. This is due to the 27 different activities organized by the FOI Commission and civil society targeting journalists, young people, civil society organisations, and the public in general.

Commitment 3.7 aimed to formalise cooperation between the Commission and CSOs through a Memorandum of Cooperation. According to the midterm self-assessment report and interviews with Commission officials and civil society representatives, this commitment did not begin during the first year of implementation.

For more information, please see the 2014-2016 IRM midterm report.

End of term

Commitment 3.1: Complete

Commitment 3.7: Not started

The FOI Commission continues its activities to raise awareness about the right to freely access information. The Commission celebrated the international right-to-know day in both 2015 and 2016. It also regularly uses TV and other media to present its work, and collaborated with educational institutions to target youth. As a result, the commission reported that the complaints filed by citizens doubled in 2015, compared to 2014. The awareness level is still not satisfactory, however.¹

The government did not report progress on commitment 3.7. The IRM researcher did not find evidence of further activities to sign the memorandum between the Commission and civil society. The Commission did sign a cooperation agreement with UNDP and OSCE on 28 September 2016, in which proactive transparency is the priority.²

Did it open government?

Access to information: Marginal

Civic Participation: Marginal

Commitment 3.1 was designed to raise awareness of the right of access to information. Although it had been legally guaranteed for a decade, according to a representative pool commissioned by civil society, this right was unknown to most citizens at the time the commitment was made.³ Efforts by the Commission and civil society to raise awareness resulted in an increased use of the FOI law by citizens. In 2016, one quarter of all complaints was filed by citizens. However, the law continues to be predominantly used by civil society organisations.

A positive trend is the decrease in the number of appeals in 2016, after increasing continuously for a decade. A total of 619 complaints were filed, compared with 960 registered in 2015. However, the “volume and quality of information published by individual state bodies in the last year fell.”⁴ Furthermore, access to information is still limited. This is mainly because of mute refusals. Sixty-five percent of all complaints filed with the commission in 2016 were due to this factor. Every fifth complaint is due to an unsatisfactory reply. The Commission also notes that authorities often invoke exceptions, particularly with regard to classified information, but usually without plausible explanation and without conducting a public interest test.⁵ One in ten complaints is filed as a result of this.

Carried forward?

Raising public awareness of the right to information (commitment 3.1) has been included in the third national action plan. This commitment with its three milestones will be a joint endeavour between the Commission and civil society. Commitment 3.7 was not carried forward, but the government has assured that cooperation with civil society will be part of a continuous effort to raise awareness and improve access to information and transparency of institutions. The Commission has advocated regular cooperation with civil society through the OGP working groups.

¹ FOI Commission, *Annual Reports for 2015* (Skopje: 2016, FOI Commission), 6 [available at: <http://bit.ly/2c0Z88R> in Macedonian].

² FOI Commission, news archive.

³ FOSM, *Six Years Later: Is the Wall of Silence Cracking* (Skopje: FOSM, 2013), available at: <http://bit.ly/2dLIUqO>.

⁴ European Commission, *Annual Progress Report for 2016* (Brussels: EC, 2016), 12, available at: <http://bit.ly/2jeI2JK>.

⁵ FOI Commission, *Annual Reports for 2016* (Skopje: 2017, FOI Commission), 18-19, available at: <http://bit.ly/2qVWHQj> [in Macedonian].

X. Anti-Corruption: Integrity Standards

Commitment 4.3: Integrity System Pilots

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

Commitment 4.4: Methodology for Risk Assessment

Commitment Text: 4.4. Defining a methodology for assessing the risks of corruption by updating the concept of integrity.

Commitment 4.5: Local Self-Government Integrity Index

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

Commitment 4.6: CSO Integrity Monitoring

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

Responsible institution(s): State Commission for Prevention of Corruption

Supporting institution(s): Units of Local self-government, UNDP and OSCE

Start Date: 1/1/2014
31/12/2015

End Date:

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of term		Did it Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding	
4.3: Integrity system pilots			✓				✓			✓				✓						✓		
4.4: Methodology for risk assessment			✓				✓		✓							✓		✓				
4.5: Local self-government integrity index			✓				✓			✓				✓	✓					✓		
4.6: CSO integrity monitoring			✓			✓	✓				✓			✓	✓					✓		

Commitment aim

These four commitments attempted to build upon previous efforts by the State Commission for Prevention of Corruption to introduce integrity systems in Macedonia.¹ Integrity systems should provide a framework for assessing risks and employing measures to ensure that those risks are mitigated system-wide, with the involvement of stakeholders.²

Status

Midterm

Commitment 4.3: Limited

Commitment 4.4: Complete

Commitment 4.5: Substantial

Commitment 4.6: Substantial

The IRM midterm review found limited progress on commitment 4.3. In the first year of implementation, 47 (out of 81) municipalities signed the declaration for anti-corruption,³ but no national, central level institutions joined the process. For this reason, only limited progress had been made toward the commitment.

Commitment 4.4 was completed in 2013 with the adoption of the Common Assessment Framework.⁴

Commitment 4.5 sought to develop a local self-government integrity index. In the first year of implementation, the State Commission for Prevention of Corruption, in cooperation with CSOs, developed two different indices; the first was based on information that was proactively available, the second on the integrity framework. Since the commitment sought only to develop the indices, it was assessed by IRM as substantially completed.

The final commitment within this group (4.6) had substantial progress. CSOs developed and piloted a methodology with interested public enterprises to improve their integrity systems.⁵

For more information, please see the 2014-2016 IRM midterm report.

End of term

Commitment 4.3: Limited

Commitment 4.5: Substantial

Commitment 4.6: Substantial

The government did not report additional progress on commitment 4.3, and the IRM researcher was able to confirm this during the review.

Commitments 4.5 and 4.6 related to the development of a methodology for monitoring integrity systems at the national and local levels. As assessed in the midterm report, different indices were developed to measure the implementation of mandatory responsibilities for risk management introduced in 2013. However, in practice, implementation was limited only to pilot institutions.⁶ In December 2015, the State Commission for Prevention of Corruption adopted a new state program in which the integrity system was one of the key priorities.⁷ From a review of the program by the IRM researcher, it was possible to (1) determine the Commission's plans to revise the legislation; (2) provide new guidance for the integrity systems; (3) develop a concept model for institutional integrity; and (4) come up with a methodology for monitoring the implementation of the systems.⁸ This suggests that the results achieved within this cluster of commitments were not final. Therefore, progress is considered substantial.

Did it open government?

Public Accountability: Marginal

Civic Participation: Marginal

Widespread corruption remains one of the key challenges for Macedonia. It was at the heart of the biggest political crisis in the country during the implementation of the second national action plan.⁹ The European Commission reported that corruption was a serious and prevalent problem in many areas of Macedonia, characterizing it as ‘state capture.’¹⁰ The U.S. Department of State stated in 2016 that the most significant human rights problems stem from high levels of corruption.¹¹ An independent assessment in 2016 noted that about 74.8% of the Macedonian people consider the sudden enrichment of public officials to be the leading factor in widespread corruption.

Additionally, 70% of Macedonians believed the lack of administrative control and an inefficient judiciary were main reasons for corruption.¹² The government aimed to bolster the fight against corruption by systematically introducing mechanisms, tools, and measures to promote the integrity of public institutions.

Despite a significant completion rate, the commitments only marginally improved government practice regarding civic participation and public accountability. In 2016, an independent civil society assessment of the efficiency of the national integrity system stated that the institutions responsible for preventing and combating corruption were neither effectively managed nor sufficiently independent to tackle corruption, and lacked integrity.¹³ The EC also noted the structural shortcomings of the State Commission for Prevention of Corruption and the political interference that minimised its impact. According to Transparency International, political elites have too much power in Macedonia, and there are few ways to hold the corrupt accountable.¹⁴ Furthermore, an assessment of the work of the Commission by civil society pointed to a lack of efficiency, independence, relevance, and transparency.¹⁵

Civil society organisations provided a foundation for the further development of the cooperative model. The Commission recognized the newly-established civil society “*Platform against Corruption*,” as a viable platform for their future activities.¹⁶ However, the impact of this cooperation has been limited so far. This should be further promoted by both sides to boost the preventive role of the Commission, which was significantly reduced during the reporting period.¹⁷

Carried forward?

The new action plan includes one commitment to promote integrity systems and transparency at the local level. The commitment has two milestones. The first focuses on local governments adopting anti-corruption policies and integrity systems, and the second commits to regular monitoring using the two indices developed within the second action plan.

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

² Specifically, they are the systems in an organisation or bureaucracy that combine the tools, actors, and processes to define, monitor, and enforce the norms and values of public integrity. *Towards a Sound Integrity Framework: Instruments, Processes, Structures and Conditions for Implementation* (Organization for Economic Cooperation and Development, Paris, 2009), available at: <http://bit.ly/214PZB8>.

³ IRM interview with officials from the State Anti-Corruption Commission, and national news coverage during the international day for fight against corruption, 9 December 2014. See, for example, <http://bit.ly/1PzUWxS>.

⁴ 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.

⁵ IRN National Consultations Forum.

⁶ Sladjana Taseva et al., *National Integrity System: Assessment of Macedonia*, (Skopje: Transparency International, 2016), available at: <http://bit.ly/2iv6inY> [In Macedonian].

⁷ Commission for Prevention of Corruption, *State Program for Anti-Corruption 2016-2019* (Skopje: 2015), available at: <http://bit.ly/2cF4uGN> [in Macedonian] and <http://bit.ly/2pVr3OH> [in English].

⁸ Ibid, 31-33.

⁹ Emina Nuredinoska et al., *Report for the Assessment of Corruption in Macedonia*, (Skopje: MCIC, 2016), available at: <http://bit.ly/2dv81gL> [In Macedonian].

¹⁰ European Commission, *Annual Progress Report for 2016* (Brussels: EC, 2016), 4-5, available at: <http://bit.ly/2iel2Jk>.

¹¹ US State Department, *Country Report on Human Rights Practices 2015* (Washington: 2016), 19-20, available at: <http://bit.ly/2dwrihn>.

¹² Emina Nuredinoska, Marija Sazdevski, Borjan Guzelov, Misa Popovic, *Report for the Assessment of Corruption in Macedonia 2016*, (Skopje: MCIC, 2016), available at: <http://bit.ly/2dv81gL> [in Macedonian].

¹³ Sladjana Tasev, *National Integrity System Assessment Macedonia*, (Skopje: Transparency Macedonia, 2016), 26, available at: <http://bit.ly/2deBqbe>.

¹⁴ Andy McDevitt, *Fighting Corruption in the Western Balkans and Turkey: Priorities for Reform*, (Transparency International: 2016), available at: <http://bit.ly/2itucpf>.

¹⁵ Martin Duvnjak, *Assessment of the Work of the Commission for Prevention of Corruption*, (Skopje: MCIC, 2016), available at: <http://bit.ly/2deDH6a> [in Macedonian].

¹⁶ The Platform against Corruption has signed a cooperation agreement with the Commission, and has engaged with it in the development of the new State program for fight against corruption.

¹⁷ As reported by the EC, in 2015, “the SCPC slowed down its corruption prevention activities significantly. It filed only two requests to prosecutors to initiate criminal proceedings (compared with 7 in 2014). It carried out checks on asset declarations of only 43 elected and appointed officials. It also initiated 7 misdemeanour proceedings for failure to declare assets (51 in 2014). The SCPC asked the Public Revenue Office to conduct asset examination procedures in only 10 suspicious cases (58 in 2014).”

XI. Anti-Corruption: Laws, Systems, and Whistleblowing

Commitment 4.1: Integrity Systems and Whistleblower Protections (★)

Commitment Text: 4.1. Adoption of amendments to the Law on Prevention of Corruption to include integrity system and provide whistleblowers protection.

Commitment 4.2: Anti-Corruption Awareness-Raising

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

Commitment 4.7: IT Tools for Social Responsibility

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

Commitment 4.9: Scope of Asset Declaration

Commitment Text: 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.

Responsible institution(s): State Commission for Prevention of Corruption

Supporting institution(s): Ministry of Justice, Units of Local self-government, UNDP and OSCE, CSOs¹

Start Date: 1/1/2014
31/12/2016

End Date:

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple-tion		Midterm End of term		Did it Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding	
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			✓		✓					✓						✓			✓			

Editorial Note: Commitment 4.1 is a starred commitment, because it is measurable, clearly relevant to OGP values as written, of transformative potential impact, and was substantially or completely implemented.

Commitment aim

These four commitments attempted to tighten the legal and institutional frameworks for the fight against corruption. They did this by:

- Introducing integrity systems to ensure risk assessments took place, designing legal measures to mitigate them, and introducing a system to protect whistleblowers;
- Conducting awareness-raising activities;
- Developing tools for citizens' participation (social accountability); and
- Defining the scope for assets declarations for officials (appointed and elected).

Status

Midterm

Commitment 4.1: Not started

Commitment 4.2: Limited

Commitment 4.7: Limited

Commitment 4.9: Complete

The government did not begin implementing commitment 4.1 until July 2015, when it began the process of adopting the new law.

The IRM midterm review found limited progress on commitments 4.2 and 4.7. The government's self-assessment report referred to one event in April 2015, and two media articles.² It also reported on the development of an ICT tool to gather feedback from citizens.³ The IRM researcher's review found that 15 municipalities were included thus far, but that the platform was not working.

The Commission completed commitment 4.9 by adopting a bylaw for asset disclosure for the prevention of corruption in July 2015.

For more information, please see the 2014-2016 IRM midterm report.

End of term

Commitment 4.1: Substantial

Commitment 4.2: Limited

Commitment 4.7: Limited

In November 2015, the government adopted a new Law on Whistleblowers' Protection, and respective bylaws in March 2016. The law went into effect on 18 March 2016. The IRM researcher learnt that no further progress had been made to introduce the integrity systems as a legal requirement.

No significant progress on the remaining commitments was made or reported by the government. A review of the IT platform showed that it currently allows citizens to vote on the three biggest priorities within their municipality. However, there was no information about how those votes influence municipal work, nor was there an option for follow-up. Follow-up interviews with seven municipalities confirmed that the platform was never operational.⁴ Therefore, the IRM researcher considers this limited progress.

The Commission for Prevention of Corruption published the register of asset disclosures, and made it available to the public and online.⁵

Did it open government?

Access to Information: Marginal

Public Accountability: Marginal

Asset declaration and whistleblowers' protection were recognized by civil society as key instruments in the fight against corruption.⁶ Before the second action plan was adopted, there was no legal basis for protecting whistleblowers, and no register of appointed and elected public officials subject to the asset declaration regime. This cluster of commitments aimed to address that gap and potentially transform the system.⁷

Regarding access to information, one of the commitments aimed at effective asset disclosure for public officials. A register, with information on type of assets owned, ownership, value, description, and grounds for acquiring, has been made available. However, the lack of a publicly available list of officials subject to asset declaration continues to be an obstacle to asset control in the country.⁸ It makes it impossible to track who should submit – but has not submitted – an asset declaration. Moreover, as the register holds only declaration of *current* assets, it is difficult to track asset changes over time while in office. A civil society platform in Macedonia has raised concerns that asset disclosure is not required once elected officials leave office, not even historical data. According to the Commission, there is no legal basis for publishing assets of former elected and appointed officials. Transparency groups have argued, however, that there is no limit on the re-use of once published information. Also, while there is no reason for former officials to update their asset disclosures, the public should have the right to inspect the assets they had during their term in office.

The investigative media Balkan Investigative Reporting Network (BIRN) requested access to the asset declarations of former ministers. However, the Commission for Prevention and Corruption denied the request and, later, the Commission for the Protection of the Right to Free Access rejected the appeal, stating that the right to privacy overruled the public interest in transparency.⁹ In that sense, the existing register, established because of the commitment, provides information on only the current assets of current public and appointed officials. The software used does not allow for insight and historical review of all reported changes in assets from the moment an official is elected or appointed until they step down, despite the fact that these changes were already disclosed by individuals. This makes tracking changes in assets difficult. Academics have argued that the partial withholding of information is not transparency.¹⁰ The government must open access to all asset disclosures, and establish a register of all elected and appointed officials. The register would constitute a first step toward granting access to all citizens in the country.

For the IRM researcher, Macedonia's whistleblower protections are ineffective, and limit the government's ability to promote proper public accountability. While the enactment of the new Law on Whistleblowers' Protection is a positive step, the European Commission (EC) and Council of Europe's Venice Commission have cast doubts upon the scope of the law, the criteria for permitting public disclosures, the vague descriptions of exemptions from protection, and the disclosure of the identity of whistleblowers.¹¹ Civil society organisations also raised concerns about the independence of the internal channels for reporting, and criticised institutions for not appointing responsible persons, effectively blocking the implementation of the law.¹² The government reported that, by December 2016, 62 public sector institutions had appointed such persons. The EC further noted that substantial legal, institutional, and practical preparations are still needed for effective implementation of the law.¹³ A reflection on past cases revealed that the institutional culture is more punitive toward, than protective of, whistleblowers.¹⁴

Carried forward?

Supporting the implementation of the Law on Whistleblowers' Protection is one of the commitments in the new national action plan. It focuses on strengthening internal channels for reporting, capacity building among officials, raising awareness, and accessing information about policy implementation.

The new plan commits to strengthening asset disclosure by providing data in open formats as well as historical reviews and trends analyses. It does not mention establishing a list of all elected and appointed officials so the public can hold to account those who do not disclose assets.

The third action plan also has a new cluster of commitments for enhancing openness at the local level, and focuses on different services and priorities. Since the government considers commitment 4.7 to be completed, it does not follow up with new commitments in the next action plan. The review by IRM found that developing different platforms as stand-alone interventions runs the risk of not receiving proper follow-up and diverting attention away from citizens. Serious efforts are needed to consolidate the efforts of different institutions, civil society, and international organisations at the local level.

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

³ <http://www.moja-opstina.mk>.

⁴ Aerodrom, Strumica, Veles, Gorce Petrov, Shtip, Bogovinje, Kumanovo.

⁵ Available at: <http://bit.ly/2cGz6HM> [in Macedonian].

⁶ http://www.opengovpartnership.org/sites/default/files/Macedonia2014-2015_FinalEnglish_0.pdf.

⁷ Misa Popovikj, *The Challenges with Using Corruption Reporting Mechanisms in Controlling Corruption in Macedonia*, (Skopje: IDSCS, 2016), available at: <http://bit.ly/2dforrC>.

⁸ US State Department, *Country Report on Human Rights Practices 2015* (Washington: 2016), 19-20, available at: <http://bit.ly/2dwrihn>.

⁹ Meri Jordanova, *The Commission has decided, privacy over public interest* [Комисијата пресечеЧ приватноста пред јавниот интерес], media article, 10 May 2016, available at: <http://bit.ly/2iQrB5b>.

¹⁰ See, for example, Mateo Turili and Luciano Floridi, *The Ethics of Information Transparency*, 2009, available at: <http://bit.ly/2itUSX3>.

¹¹ European Commission for Democracy through Law, *Opinion on the Law on Whistleblowers' Protection in Macedonia*, (Strasbourg: Council of Europe, 2016), available at: <http://bit.ly/1RiIPk7>.

¹² See, for example, Transparency Macedonia conference on this topic, available at: <http://bit.ly/2cGwD04> [in Macedonian].

¹³ EC, Annual Progress Report for 2016, 17.

¹⁴ Petar Todorovski, *The Situation of Whistleblowers in Macedonia*, (Skopje, MCIC, 2016), available at: <http://bit.ly/2diVrOq> [in Macedonian].

Commitment aim

This cluster of commitments was designed to promote budget transparency, with a particular focus on health budgets.

Status

Midterm

Commitment 3.8: Limited

Commitment 5.1: Limited

Commitment 7.5: Substantial

Commitment 7.6: Limited

Commitment 3.8 endorses civil society efforts to request and release information received (if access is provided) from the Ministry of Health (MoH). According to the IRM midterm report, inclusion of this measure in the OGP action plan allowed the proactive release of some data; however, a substantial amount of information is still unavailable, even though formal requests have been filed.

The ministry reported that it had contracted a service provider to lay out and print the Citizens' Budget, and that it had received a first draft. Civil society, meanwhile, complained that the Citizens' Budget had to be published together with the government's budget to be meaningful, and that the delay, already incurred, made the measure ineffective. The IRM review found that the 2014 balance sheet data were not very useful, with no explanation of the different variables. Hence, it was difficult to compare.

Commitments 7.5 and 7.6 refer to the independent monitoring of health programs and 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 Republic of Macedonia reported that significant progress had been made in improving cooperation with the Ministry of Health under the previous two commitments.¹

For more information, please see the 2014-2016 IRM midterm report.

End of term

Commitment 3.8: Limited

Commitment 5.1: Not started

Commitment 7.5: Complete

Commitment 7.6: Limited

The government's self-assessment reported that the Ministry of Health created a new web platform to publish information stemming from commitment 3.8. However, the IRM researcher could not find the website, and the Ministry did not provide a link. The Association for Emancipation, Solidarity and Equality of Women of Republic of Macedonia confirmed that the website was unavailable, that the ministry developed reports on only five of the 20 programs, and that it partially developed reporting forms on only three. The ministry did not report on 12 of the programs.² None of the reports are available publicly.

The IRM researcher found no evidence that the Citizens' Budget was produced for either 2015 or 2016.³ The last available budget was produced by civil society in 2013,⁴ while a new citizens' final account (for 2014) was based on the released data.⁵ Overall, the government provided little budget information, and the mid-year review, Citizens' Budget, and pre-budget statement were not available. The Macedonian Center for International Cooperation lobbied for the release of budget information, but the institutions' unwillingness to release data meant these activities remained incomplete.⁶

Commitment 7.5 was completed, and the analysis of the women's health program was published in September 2016.⁷ This was an initiative by a non-profit association that could have been implemented without OGP. The recommendations of the analysis could have

been followed up by the government, since the report was published at the end of the OGP cycle, but they had no effect on the government within the period covered by this report.

The government provided no information on commitment 7.6. Activities to raise awareness were conducted independently as stand-alone initiatives by non-profit organisations,⁸ and did not have any added value from inclusion in the OGP action plan.

Did it open government?

Access to Information: Marginal

Civic Participation: Marginal

Public Accountability: Did not change

This cluster of commitments was designed to improve fiscal transparency overall, and more specifically, in the health sector. Before the country adopted the second action plan, there was little fiscal transparency. The promise of an Open Budget and Citizens Budget⁹ could have had a transformative impact, but the IRM researcher found only limited implementation, mostly by civil society.

Progress on this cluster only marginally improved access to information, mainly through information gathered and analysed by civil society.¹⁰ Several initiatives collected and published the income and expenditures of all municipalities.¹¹ They also published all data collected from direct public procurement contracts as well as budget expenses, including all contracts since 2011 which were worth over 1 million euro.¹² Analysis of this data showed that half the value of all contracts made by all 83 municipalities is allocated to 34 companies, while the remaining half is split among 1.323 companies. In the last three years, 39 million euro were contracted under urgency procedures, and an additional 35 million euro with contract amendments. In both cases, there was no transparency or competition. The released data were compiled by civil society via regular, often lengthy, access to information procedures, or by observing public procurement processes.

These commitments provided a framework for meetings and cooperation between civil society and the Ministry of Health. Civil society organisations, through OGP working groups, met three times with representatives of the ministry, which strengthened their relations. While this contributed to building trust, civic participation improved only marginally. Both the government's end-term assessment and civil society¹³ noted that cooperation between the two involved only the sharing of information.

Finally, publishing the Citizens' Budget (commitment 5.1) and analyzing the women's health program (commitment 7.5) could have potentially increased public accountability, but did not. First, the Citizens' Budget was not produced. The EC noted that budget transparency is not ensured in Macedonia, because clear, comprehensive, timely, and reliable budgetary and statistical information is not available publicly.¹⁴ Second, the analysis of the women's health program included only one program, the results of which were not utilised by the government. The findings of the analysis point to the need for serious measures. According to the survey, 56% of women and girls over the age of 14 do not have a primary gynecologist, hence, are not accessing any government-sponsored preventive programs. Furthermore, there is no access to a primary gynecologist in 35 municipalities, and access is limited to a small number of gynecologists in the other 29 municipalities.¹⁵ Therefore, it is clear that these two commitments did not change government practice, since no public facing element was established for citizens to request further action in health provision in the country.

Carried forward?

The new action plan specifically targets fiscal transparency in all sectors. A new commitment (5.1) pledges to introduce the open budget practice, while other commitments (5.2 and 5.7) specifically target health budget transparency, as a nod to the commitments in this cluster. The government has vowed to publish data on budget spending for all 20 programs, develop framework and publish reports on implementation of one preventive and one curative program, and raise awareness among citizens.

¹ Darko Antic, Association for Emancipation, Solidarity and Equality of Women of Macedonia, *Written Submission to IRM*.

² ESEM, *Shadow Report on the Implementation of the OGP Action Plan 2014-2016*, (Skopje: ESEM, 2016), available at: <http://bit.ly/2dUryWV> [in Macedonian].

³ International Budget Project, *Open Budget Initiative 2015: Macedonia*, available at: <http://bit.ly/2cQHvM>.

⁴ Marjan Nikolov, *Citizens Budget for 2013*, (Skopje: CEA, 2013), available at: <http://bit.ly/2dwLaBD> [in Macedonian].

⁵ Nikica Mojsoska Blazevska, *Citizens' Final Account for 2014*, (Skopje: MCIC, 2016), available at: <http://bit.ly/2dsyrKZ> [in Macedonian].

⁶ IRM interview with Marija Sazdevski, MCIC.

⁷ ESEM, *Report from the Monitoring and Analysis of the Program on the Early Detection and Prevention of Disease of the Reproductive Organs in Women*, (Skopje: ESEM, 2016), available at: <http://bit.ly/2cZrDaH> [in Macedonian].

⁸ See, for example, the work of the National Roma Centrum at: <http://bit.ly/2dEdxJD> or ESEM at: www.esem.org.mk.

⁹ A clear and simple summary specifically developed for the public that should be widely distributed with the annual budget. For more information, please see the International Budget Project, *The Power of making It Simple: Governments Guide to Citizens' Budget*, available at: <http://bit.ly/1Y2d34o>.

¹⁰ <http://www.fiskalntransparentnost.org.mk/>.

¹¹ <http://sledigiparite.mk/>.

¹² <http://opendata.mk/>.

¹³ IRM interview with Darko Antic, Association for Emancipation, Solidarity and Equality of Women of Macedonia.

¹⁴ EC, *Annual Progress Report for 2016*, II.

¹⁵ *Ibid.*, footnote 7.

XIII. Transparency: Public Procurement (★)

Commitment 5.2: Public Procurement

Commitment Text: 5.2. Public procurement: Recommendation for publication of annual procurement plans, contracts on public procurements and notifications on realized public procurement contract; 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.

Responsible institution(s): Ministry of Finance

Supporting institution(s): All institutions (in consultation with the Bureau of Public Procurement)

Start Date: 1/1/2015
31/12/2016

End Date:

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple-tion		Midterm End of term		Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding
5.2. Public procurement (★)			✓		✓						✓		✓						✓		

Editorial Note: This is a starred commitment, because it is measurable, clearly relevant to OGP values as written, of transformative potential impact, and was substantially or completely implemented.

Commitment aim

This commitment sets out to ensure greater transparency in public procurement procedures and to bring the data closer to the public, by defining standards for proactive release of information by all institutions with public contracts.

Status

Midterm: Limited

There was little progress on this commitment at the midterm because implementation only began at the end of June 2015. A search of the web platforms of ministries and the Internet revealed that national authorities rarely publish and/or update procurement plans. Local institutions are more proactive in publishing their procurement information.

For more information, please see the 2014-2016 IRM midterm report.

End of term: Substantial

The Bureau for Public Procurement (BPP), in cooperation with the Center for Civic Communications (the OGP working group on anti-corruption) and relevant institutions, developed a list and recommendations for release of information by public procurers.¹ By the end of the implementation period, the BPP had adopted the list of minimum standards, and sent out recommendations to push for release.

These recommendations centered on publicising any amendments to the annual plan for public procuring, publishing open calls for procurement, and providing a link to the BPP's website, where detailed information could be obtained. The BPP also recommended publishing announcements of all contracts and notices for completed and closed contracts. These suggestions aligned with the requests of civil society, whose main concern was to make subsequent stages of procurement and realisation of contracts more transparent proactively (public information was available at the bidding stage of procurements).

The government self-assessment report considered this commitment completed, since the minimum standards and recommendations for proactive disclosure by individual authorities were adopted and disseminated to all responsible authorities. Apart from the initial dissemination of the recommendations, no further efforts were made by the government to promote this commitment's implementation.

Did it open government?

Access to information: Marginal

The BPP has a sophisticated e-procurement system² that publishes data on procurements. Commitment 5.2 reflected³ civil society's⁴ main concerns, which were to improve mechanism to curb corruption⁵ in public spending by proactively releasing more data on the websites of public institutions. Since the sophisticated e-procurement system is too technical, the government sought to bring the data closer to the public, as well as increase the scope of the available information. While the commitment was completed, it only offers non-binding recommendations for transparency, which were not implemented by most of the authorities.

Civil society monitoring revealed that there was an initial wave of disclosures following the recommendation by the Bureau, but access to procurement data and spending is still limited.⁶ For example, annexes to contracts, as well as actual payments from procurement contracts, are not routinely available. Additionally, available data are compartmentalised by procurement body and contracts and, so, not easily searchable or comparable. This led civil society to design additional portals (e.g., www.opendata.mk) to make such data available. The IRM researcher views this as a step in the right direction, but as implementation of the recommendation is still very limited, it only marginally improved government practice of disclosing public spending information.

Carried forward?

The new national action plan builds on this commitment and pledges to make publishing procurement data a statutory obligation (new commitment 5.3). This is designed to ensure that institutions comply and extend the amount of data available on their websites.

¹ Bureau for Public Procurement, *Annual Report for the Work in 2015*, (Skopje: 2016), available at: <http://bit.ly/2dqWCqy> [in Macedonian].

² <https://e-nabavki.gov.mk/PublicAccess/Home.aspx#/home>.

³ 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>.

⁴ [The Center for Civic Communications](http://www.civildialog.mk), the leading civil society organization on procurement transparency, has published 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 consultations for micro and small enterprises in procurement procedure.

⁵ EC, *Annual Progress Reports for 2014*, 11.

⁶ German Filkov, Sabina Fakic, and Marko Mitevski, *Index of Active Transparency 2016*, (Skopje: Center for Civic Communication, 2016), 12 [available at: <http://bit.ly/2dumzw6>, in Macedonian].

XIV. Transparency: Foreign Aid

Commitment 4.3: Foreign Aid and Foreign Investment

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).

Responsible institution(s): Ministry of Finance; Secretariat for European Affairs (SEA)

Supporting institution(s): Agency for Foreign Investments

Start Date: 1/1/2014

End Date: 31/12/2016

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple-tion		Midterm		Did it Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding	
5.3. Foreign aid and foreign investment		✓			✓		✓			✓			✓					✓				

Commitment aim

This commitment sought to increase transparency by proactively publishing data on foreign investments in Macedonia and foreign aid (bilateral and EU funds) received.

Status

Midterm: Not started

According to the midterm self-assessment report as well as information received from the Secretariat for European Affairs (SEA), no progress was made in improving the database on foreign donor assistance. The IRM researcher's search of the Internet found that information was last released in October 2014, and that data from the Central Donor Assistance Database (CDAD) was not reusable.

For more information, please see the 2014-2016 IRM midterm report.

End of term: Not started

The government did not report progress on the commitment. Its self-assessment report noted the preparatory activities and meetings held between the Agency for Foreign Investments, the SEA, and civil society. Its conclusion was that information was not released because there was no consensus on the data asked to be made public. Civil society representatives submitted their list of preferred data, and filed for access to the documents. The documents released did not contain information on the level of state subsidies or tax incentives.¹ Additionally, the government reported two barriers to releasing this data. First, not all public institutions register their foreign funds, so their data are incomplete. Second, some of the contracts cannot be released without the prior consent of the other party. Considering that there was no proactive disclosure made, the IRM researcher concluded that there was no progress.

Did it open government?

Access to information: Did not change

Public Accountability: Did not change

Before OGP, the Agency for Foreign Investments did not provide data on foreign investments in the country.² However, the Secretariat for European Affairs had, for a decade, been maintaining a Central Donor Assistance Database.³ This commitment sought to improve the proactive release of information on foreign aid (donors' assistance), and allow access to information on foreign investments. In particular, it intended to improve fiscal transparency by publishing information on state subsidies or tax incentives for foreign investments. However, the lack of implementation caused data not to be released and, so, the commitment did not enhance access to information or create opportunities for holding officials accountable.

Carried forward?

Two new commitments have been included in the new action plan to address access to information on foreign aid (new commitment 5.3) and state subsidies (new commitment 5.9).

The commitment on foreign aid is limited in scope, as it refers only to Dutch aid given through their Facility for Infrastructure Development (ORIO). It is not clear how the commitment will build on the information already made available by the Netherlands.⁴

The commitment on state subsidies reflects IRM recommendations, and should ensure access to data on tax incentives and state subsidies by category.

¹ Interview with Darko Antic, Association for Solidarity and Equality of Women.

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

³ <http://cdad.sep.gov.mk/>.

⁴ <https://aiddata.rvo.nl/programmes/NL-KVK-27378529-19390/?tab=countries>.

XV. Local Open Government: Capacity Building

Commitment 6.1: Developing Capacities at Local Level

Commitment Text: *6.1. Developing capacities at local level for the implementation of mechanisms for proactive communication with citizens: 1) Evaluation of the capacity of municipalities to provide proactive communication with citizens; 2) Development of a Program to strengthen the capacity of municipalities; 3) Preparation and implementation of training for trainers; 4) Preparation of curriculum and training materials; and 5) Implementation of the Program and Training Plan.*

Responsible institution(s): Ministry of Local Self-government

Supporting institution(s): All municipalities, Association of Local Government Units of the Republic of Macedonia – ZELS; UNDP; local communities; civil society organisations¹

Start Date: 1/1/2014

End Date: 31/12/2016

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of term		Did it Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding	
6.1. Developing capacities at local level			✓		✓	✓					✓		✓						✓			

Commitment aim

This commitment envisages the further strengthening of local capacities for proactive communication with citizens. In particular, it aimed to conduct a needs assessment; develop a training program, training materials, and a “training of trainers” course; and carry out capacity-building activities to support proactive consultations and communication with citizens.

Status

Midterm: Limited

The government’s midterm self-assessment reported on the monitoring activities of civil society. However, those activities focused on analyzing current trends in participation, rather than providing an assessment of the needs of local authorities. The Association for Local Self-Governments and Community Forums also conducted capacity-building activities, but they were limited in scope. For these reasons, there was little progress on this commitment in the first year of implementation.

For more information, please see the 2014-2016 IRM midterm report.

End of term: Limited

The government's end of year self-assessment discusses only the activities implemented within the framework of the Community Forum, which is a mechanism for consultation and co-decision with citizens on projects, programs, policies, or budgets at the local level.² The IRM researcher confirmed that, in the second year, 10 new municipalities were included in the program, and trained on the subject of consultative mechanisms and consultation processes.

Nonetheless, this was part of a larger developmental program of the Swiss Agency for Development and Cooperation that had been implemented since 2006, and would have been implemented despite OGP. The IRM midterm report stated that multiple initiatives are still taking place without proper coordination and transfer of knowledge. It was difficult for the IRM researcher to assess the initiative's impact and potential changes on municipalities while there were no new initiatives supported within the OGP framework.

Did it open government?

Access to information: Marginal

Civic Participation: Marginal

Stakeholders were already engaged at the local level before the second national action plan was adopted.³ This commitment intended to improve local capacity for inclusive decision making. While consultations were mandatory in some areas (e.g., urban planning) and institutional mechanisms existed to guarantee civic participation (e.g., 'rural and urban communities'), citizens were not being consulted in practice.⁴ Therefore, this commitment attempted to institutionalise the culture of consultations, a long-standing priority for civil society.

The activities that were part of this commitment provided access to information and public consultation in ten new municipalities where community forums were implemented.⁵ Both local officials and civil society agree that the forums are inclusive and useful for local decision making. They have a very good reputation, and annual calls for participation usually attract interest from many municipalities. Some municipalities have continued to implement them, even after participation in the program.⁶ After a decade of implementation, most municipalities organised some kind of community forum. Despite these positive outcomes, the IRM researcher believes the activities had only a marginal impact, as decision making in the targeted municipalities improved in only ten out of 84 municipalities. Moreover, the fact that the measures were included in OGP hardly impacted the existing Community Forums program. As the forum coordinator pointed out, OGP helped spread information about the program during OGP events and in the OGP working groups.⁷

Carried forward?

The new action plan continues to focus on opening local governments. It includes nine commitments and 31 milestones. Capacity building of civil society and citizens is mainstreamed and included in most commitments focusing on particular policy areas or competences of the municipalities.

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 For more information, please see: <http://www.forumivozaednicata.com.mk/index.php>.

³ Most important and widespread are 'mesni zaednici', 'forumi na zaednicata', 'oddelenija za komunikacija.'

⁴ See, for example, Civic Engagement Study for trends on civic participation, accessible at: www.civicengagement.mk.

⁵ With this, the total number of budgetary community forums was 30 for the period 2014-2017, Community Forums Newsletter No.5, 2016 available at: <http://bit.ly/2jRxuze> [In Macedonian].

⁶ Three municipalities implemented forums independently in 2016: Demir Kapija, Novaci and Kriva Palanka.

⁷ IRM researcher interview with Kristina Hadzi Vasileva.

XVI. Local Open Government: Open Budget and Monitoring System

Commitment 6.2: Open Budget and Monitoring System

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

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

Responsible institution(s): Ministry of Local Self-Government

Supporting institution(s): All municipalities, UNDP

Start Date: 1/7/2014

End Date: 31/12/2016

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did it Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding	
6.2: Open budget and monitoring system			✓		✓	✓	✓	✓				✓		✓				✓				

Commitment aim

This is a new commitment designed to improve the way services are provided at the local level, including transparency of local budgets. Before OGP, access to budgetary spending information was only available through quarterly and annual accounts that should have been published regularly by municipalities. However, implementation varied, and only little information was made available, even to some municipalities. This commitment sought to transform these practices, by piloting new platform to link budgetary spending with delivery of local services, and allow for civic participation through social audits.

Status

Midterm: Limited

The government's midterm self-assessment and the IRM review both found little progress on this commitment. In the first year of implementation, the e-platform was piloted in only one municipality (Gevgelija). The platform presented data on key indicators of environmental protection¹ from 13 planned areas.

For more information, please see the 2014-2016 IRM midterm report.

End of term: Limited

In its end of year self-assessment, the government stated that there was no further progress on this commitment, that its implementation was limited, and that the government intended to fully implement the commitment during the next action plan. The IRM researcher's review of the platforms showed that the pilot dashboard developed for the municipality of Gevgelija had not been updated in the second year, nor it was upgraded to include additional areas. None of the specific elements were carried out, and they were transferred to the new action plan. The IRM researcher interviewed several municipalities to understand how they planned to incorporate civic participation. Currently, it is possible to send messages through the web-platform, but when the IRM researcher did so, she did not receive a reply. Of the seven municipalities consulted by the IRM researcher,² two were not aware of the initiative, three stated that the initiative never became functional, and two declared that they had initially installed a computer to inspire citizens' feedback, but citizens rarely provided feedback and results did not inform any policy discussions.

Did it open government?

Access to information: Did not change

Civic Participation: Did not change

Public Accountability: Did not change

Prior to this commitment, budgetary information was largely unavailable at the local level. The government set out to open municipal budgets and to link spending with results in service provision, by developing indicators and allowing citizens to participate through social audits.³ Therefore, the commitment had transformational potential, and was considered a priority by civil society.

However, little implementation in the first year did not ensure greater openness at the local level. The commitment was piloted partially in only one municipality (out of 84), and did serve to increase access to information on utility services and environmental data. Nevertheless, the information was not updated following the first wave of release. A civil society initiative, which was implemented before the second national action plan, provided a web-platform with access to budgetary expenses for all municipalities.⁴ This donor-funded initiative has not been updated, but is an example of how partnering with civil society has the potential for achieving greater openness.

The IRM researcher could not find evidence to assess changes in the government's practice on civic participation or public accountability.

Carried forward?

This commitment was carried forward to the new action plan (as new commitment 6.2). The new commitment seeks to make the information from the quarterly spending reports more accessible, by releasing them in a new format and on a new application. The commitment does not specify whether information will be released in real time, or whether the data will be updated quarterly. One of the milestones under the commitment states that data will be prioritised, suggesting that only certain data in priority areas may be released. While IRM recommended consultations to define services for social audits and measure impacts, the new commitment is focused only on budget spending data. It advocates that all spending be made public in open format and real time.

Additionally, municipalities, government, and civil society should consult with citizens to ensure that the tool is used by citizens, and provides a meaningful platform for feedback and consultations.

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

² The following municipalities replied: Strumica, Veles, Shtip, Kumanovo, Tetovo, Gjorce Petrov and Bogovinje.

³ A social audit is a process to review the performance of municipalities and their impact on society. For more information, see Mia Mahmudur Rahim and Samuel O. Idowu, *Social Audit Regulation: Development, Challenges and Opportunities*, (New York: Springer, 2015).

⁴ Please see: <http://sledigiparite.mk/>.

XVII. Local Open Government: Increasing Civic Participation

Commitment 6.3: Participation in Local Services

Commitment Text: 6.3. Improving local services through direct collaboration with citizens.

- [Upgrade and replicate] good practice (community forums) and support [...] innovative practices (micro civic laboratories, etc.);
- Supporting initiatives generated by citizens through a collaborative process;
- Evaluation of the achieved results. Making a clause for standard transparency of the institutions at local level;
- Replicate the model in other units of local government;
- [Model] Municipal internal Act on Transparency [...]

Commitment 6.5: Participation in Local Policy Making

Commitment Text: 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);

- Preparation of the internal model Act to implement the consultation process and the development and application of IT tools;
- Promotion of Civil Society Organisations as facilitators of the consultation process.
- Improving local services through direct collaboration with citizens.

Responsible institution(s): Ministry of local Self-Government

Supporting institution(s): See note.¹

Start Date: 1/1/2014
31/12/2016

End Date:

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did it Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding	
6.3: Participation in local services				✓	✓	✓					✓		✓						✓			
6.5: Participation in local policy making			✓		✓	✓	✓				✓	✓					✓					

Commitment aim

This cluster of commitments sought to ensure that there were institutional policies and practices in place for inclusive and participatory decision making at the local level.

Commitment 6.3 had five milestones to ensure that municipalities adopted transparency rules, involved civil society, and supported initiatives identified as priorities through collaborative processes. Commitment 6.5 promised mandatory consultations at the local level.

Status

Midterm

Commitment 6.3: Limited

Commitment 6.5: Not started

There was little progress on these commitments as noted in the midterm review. This is because OGP efforts did not improve or strengthen existing participatory mechanisms. Commitment 6.5, which promised mandatory consultations at the local level, did not start.²

For more information, please see the 2014-2016 IRM midterm report.

End of term

Commitment 6.3: Limited

Commitment 6.5: Not started

In its end of term assessment, the government reported that the Ministry of Local Government and the Association of Municipalities were attempting to establish new regional networks with civic and business representatives in two additional regions. The goal was to introduce the participatory mechanism and expand existing good practices. As reported, however, the process is still at an early stage. UNDP-supported events were organized as best practices in tourism for youth and disabled persons in the Polog region. Moreover, infrastructure was improved in several municipalities to accommodate the needs of disabled persons. IRM interviews with municipalities revealed that these investments were part of ongoing efforts, and their inclusion in the OGP action plan did not expand their scope. This latter point was confirmed by CSOs. Finally, no additional progress was made on the remaining milestones, and the IRM researcher's review of municipal statutes and acts found no progress on the municipal internal act on transparency (commitment 6.5).

Did it open government?

Access to information: Marginal

Civic Participation: Marginal

Public accountability: Did not change

Traditionally, local governments in Macedonia did not cooperate with CSOs and citizens on policy.³ The commitment set out to transform the way local governments made decisions, and created policies and statutory guarantees for civic participation in 'the most important acts and documents.' It also aimed to set standards and adopt a model for transparency at the local level.

However, access to information and civic participation improved only marginally, as the 57 municipalities used Community Forums as mechanisms to consult with citizens on priorities and budgetary investments.⁴ Both civil society and local governments assess Community Forums positively. Local officials believe they are crucial in building trust and improving public services.⁵ Citizens and civil society believe they provide a process for prioritising projects that are programmed by local authorities, and for monitoring their implementation. The Forums are limited in scope and not mandatory,⁶ although two-thirds of the municipalities prescribe them as a form of consultation. Additionally, the Ministry of Local Government began the process of expanding the regional cooperative mechanisms to two new regions. So far, the experiences have been positive. Citizens voice their needs through Community Forums and Networks for Inclusive Development. These are then translated into investments and policies. However, this initiative continues to depend on donations and technical assistance from international and local organisations. Some efforts were made in the last year to build the capacity of civil servants to organize and implement Community

Forums independently as part of the exit phase of the program. Approximately 100 civil servants from 29 municipalities were trained in 2016. The Community Forums program closed in March 2017, without making the consultations mandatory. They were not included in the new OGP action plan, and the sustainability of this positive initiative is uncertain at the moment. In this sense, no mechanism was established to allow for public accountability in the last two years.

Carried forward?

Commitment 6.3 was not carried forward to the new action plan. The government considered this commitment completed, even though the evaluation was not done, the municipal act for transparency not adopted, and the existing good practices not sustained. Commitment 6.5, which was revised and included in the new action plan, focuses on supporting the implementation of existing non-mandatory mechanisms for consultations in gender equality and social inclusion. However, as the midterm review notes, the commitment assumes that citizens are empowered and will engage in consultations once they become a reality. Activities to support civic participation, especially among vulnerable groups, are necessary to ensure wider participation. The milestone on mandatory consultations was not taken further, and the new action plan concentrates on supporting existing committees (e.g., the gender equality committee) to ensure inclusive policy making.⁷

¹ The full list of supporting institutions is: Municipalities, Commission on 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, and CSW - Coordination Unit of Forums.

² IRM researcher second review of municipal statutes.

³ EC, Annual Progress Report for 2015, 9.

⁴ For more details on Community Forums, please visit a dedicated page: <http://www.forumivozaednicata.com.mk/>.

⁵ Interview with the Mayor of Pehcevo, Igor Popovski, September 2016, Community Forums Newsletter No.5/2016.

⁶ However, 57 municipalities prescribe them as a possibility for consultations in the statutes.

⁷ New national OGP Action Plan 2016-2018, 59-73.

XVIII. Local Open Government: Introducing E-Services

Commitment 6.4: Transforming the Part of Local Services in e-services

Commitment Text: 6.4. Transforming e-services at local level by:

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

Responsible institution(s): Ministry of Local Self-Government

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

Start Date: 1/7/2014
31/12/2016

End Date:

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding
6.4: Introducing e-services		✓			✓					✓					✓				✓		

Commitment aim

This commitment sought to transform e-services at the local level, but the language was not clear in terms of its deliverables and areas of service.

Status

Midterm: Substantial

At the midterm, substantial progress had been made on this commitment. The Ministry of Local Government, with the support of UNDP, prepared a draft study of local e-services. The recommendations are being used for the program for sustainable local development and decentralisation in 2015-2020.¹

For more information, please see the 2014-2016 IRM midterm report.

End of term: Substantial

The government's self-assessment report contained no additional information on the progress of this commitment. After reviewing the websites of the responsible institutions and all municipalities, the IRM researcher found that a common platform for e-services in the construction industry was created. Specifically, the Association of Local Self-Governments and the Ministry of Transport created an e-service for construction permits as one of the key competencies of municipalities.²

The IRM researcher also found that some municipalities have introduced platforms that improve access to information about individual tax debt,³ or enhance citizens' participation by developing their complaints' systems.⁴ One of the next priority areas for the development of services seems to be environmental permits, but local governments should consider how the service could be designed to also contribute to openness.

Did it open government?

Access to information: Marginal

The commitment attempted to transform e-services at the local level, and was made at a time when local e-services were insufficiently developed. How this transformation would open government was not clear, and could not be assessed from the text of the commitment.

During the first cycle of implementation, the government conducted a study on e-services to determine which services were preferred by municipalities. One was construction. This resulted in the implementation of the online platform described above. While this was a first step in improving services at the local level, it did not provide for new information. The platform allowed for submission of requests for different construction permits. While this was a positive step in improving service provision, it is still unclear how it improves government openness. When an e-government commitment is made, it should discuss how it enhances at least one of the OGP values: access to information, public participation, or public accountability.⁵

In this case, some services promoted access to information (tax depth, cadaster plans) or stimulated civic participation (complaints system). However, those services are now available to several municipalities, thus due to a very limited scope. Therefore, the IRM researcher considers this only a marginal improvement in both access to information and civic participation.

Carried forward?

The commitment has been revised and included in the new action plan (now commitment 6.8). It focuses specifically on civic participation, and aims to develop e-services for citizens' complaints and reporting problems in utility services. The new e-service should allow citizens to track the progress of their requests, and potentially improve accountability.

¹ MISA, *Second Quarterly Report*, 14-15.

² [www.gradezna-dozvola.mk].

³ For example, Municipality of Veles: <http://edanoci.veles.gov.mk/>; Municipality of Bitola: <http://obitola.no-ip.org:8080/>.

⁴ For example, Municipality of Veles: <http://bit.ly/2d7J3yS>; Municipality of Tetovo: <http://www.itetove.com/index.php/mk/>; Municipality of Bitola: <http://obitola.no-ip.org/Public/Public.aspx>.

⁵ Open Government Partnership, *IRM Procedural Manual V2.0* (Washington DC: 2014), 32.

XIX. Open Government for Consumers

Commitment 7.1: Open Government for Consumers

Commitment Text: 7.1. Increasing accountability and promoting the concept of informed consumers and citizens, service users and rights through: 1) Targeted awareness-raising] in the individual domains of consumer protection; 2) Significantly increased support to civil society working in the domain of education, counseling and consumer information (includes compulsory education); 3) Regular meetings Held of the Council of consumer of the Government upon constitution of [new members and publication] of findings and recommendations; 4) 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; 5) Held meetings with existing and newly formed Consumer Council at the level of local government for cooperation in education, information and advice to citizens.

Responsible institution(s): Council for Consumer Protection of the Government and Organization for Consumer Protection

Supporting institution(s): Ministry of Economy

Start Date: 1/7/2014

End Date: 31/12/2016

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did it Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding	
7.1: Open Government for Consumers				✓	✓	✓				✓			✓						✓			

Commitment aim

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

Status

Midterm: Limited

There was little progress on this commitment at the midterm. No further information regarding this measure was contained in the government's self-assessment report. Activities were focused on raising awareness and capacity building through workshops and training. Local consumer councils were established in some municipalities, including Skopje,¹ but their work was limited in smaller and less developed municipalities. The national Consumer Council met only once in 2014.²

For more information, please see the 2014-2016 IRM midterm report.

End of term: Limited

The government's self-assessment report did not contain any information on this commitment. In addition, there was no working group for this area during the second year of implementation or during consultations for the preparation of the third action plan. In its end of term self-assessment report, the government noted that the second OGP action plan focused on "six priority areas,"³ omitting the commitment on consumer protection. Although the government did not officially withdraw this commitment, the IRM researcher could not find evidence of any actions by the government in this area.

As in the first year of implementation, the activities carried out by the Organisation for Consumers Protection focused on education and capacity building.⁴ The only exception was the cooperation with the City of Skopje, where the organisation effectively helped the city implement its program for consumer protection, including a study on consumer satisfaction and protection of utility services in Skopje.⁵ The EC also noted no progress in consumer protection.⁶

Did it open government?

Access to information: Did not change

Civic Participation: Marginal

Consumers' rights in Macedonia remain one of the most violated in the country,⁷ according to the number of annual complaints filed by citizens to the Ombudsperson. Civil society organisations and experts have identified the lack of efficiency of the current consumer protection structures, and have recommended further legal reforms.⁸ Some of the problems that consumers face include no unified system for receiving and handling consumer complaints, insufficient funding from the state for consumer protection, and legal barriers to collective legal action and representation in consumer protection cases. The commitment sought to support and advance consumer protection in the country, including through transparency and citizens' participation.

This commitment improved civic participation for consumers only marginally. This was mostly due to cooperation between the Organisation for Consumers' Protection and the City of Skopje, in which the organisation assessed citizens' satisfaction with utilities and proposed recommendations for improvements. The IRM researcher found that the number of municipalities that have established a council for consumer protection increased from eight in 2014 to 29 in 2015, but no evidence of their work was available on their websites or through a review of electronic media.⁹ The IRM researcher contacted 12 randomly selected municipalities.¹⁰ Apart from the City of Skopje, no other municipality has active councils. Six stated that there was no established council, while five contended that a formal council existed, but did not hold meetings in 2015 or 2016.

The IRM researcher also could not find evidence in the online media or from the review of the website of meetings by the national Council for Consumer Protection. Finally, the Organisation for Consumer Protection published an analysis of the capacity of civil society working in this area. It found significant gaps in the legislative, institutional, and financial framework supporting their work.¹¹

Regarding access to information, the IRM researcher could not find evidence online, through phone interviews with municipal officials, or consultations with local civil society, that the commitment furthered the quantity or quality of information presented on consumers' rights. All available brochures and bulletins were published before the country adopted these commitments, except a new website launched after the period covered in this report that provides information on organic food, shops, and producers.¹²

Carried forward?

This commitment is not reflected in the new action plan. In case the government reconsiders its pledge in consumer protection, the IRM researcher recommends focusing on the following priority areas:

- Legal reform in line with the recommendations of civil society and EU legislation;

- Adequate core support to organisations to effectively monitor protection of the rights as well as effectiveness of the system for consumer protection.

¹ EC, *Annual Progress Report for 2014*, 56.

² On 17-18 December.

³ MISA, Information for the Work of the Working Groups for The Implementation of the OGP National Action Plan 2014-2016, along with an End-term Self-Assessment (Skopje: 2016), 2.

⁴ Organisation for Consumer Protection, *Annual Report for 2015*, (Skopje: OCP, 2016), available at: <http://bit.ly/2dvpalU> [in Macedonian].

⁵ Marijana Loncar Velkova, Aleksandar Nikolov, Dusko Todorovski, Ivo Kostovski, *Protection of Rights and Interests of Consumers of Utilities*. (Skopje: OPM, 2016), available at: <http://bit.ly/2iKfhFD> [in Macedonian].

⁶ EC, *Annual Progress Report for 2016*, 76.

⁷ Ombudsman for the Republic of Macedonia, *Annual Report for 2015*, Skopje: 2016, available at: <http://bit.ly/2cFiKPw>.

⁸ Marijana Loncar Velkova, Aleksandar Nikolov, Dusko Todorovski, Ivo Kostovski, *Associations of Consumers in the System for Consumer Protection: Recommendations for Improvement of their position in Macedonia*, (Skopje: OPM, 2016), available at: <http://bit.ly/2dhMJQu> [in Macedonian].

⁹ The following local self-governments have councils: Skopje, Tetovo, Cashka, Ohrid, Petrovec, Gazi Baba, Mavrovo i Rostuse, Gostivar, Bitola, Zrnovci, Kocani, Vasilevo, Centar, Valandovo, Kicevo, Ohrid, Shtip, Kavadarci, Veles, Ceshino-Oblesevo, Prilep, Karpos, Aerodrom, Krivogashtani, Vinica, Kriva Palanka, Kisela Voda, Bogdanci and Berovo.

¹⁰ Skopje, Tetovo, Cashka, Ohrid, Petrovec, Gazi Baba, Mavrovo i Rostuse, Gostivar, Kocani, Vasilevo, Centar, and Veles.

¹¹ Ibid, endnote 7.

¹² <http://organskisvet.mk/> .

METHODOLOGICAL NOTE

Commitments are clustered based on the original OGP action plan. This report is a result of an analysis conducted through mixed methods, grouped into the following:

- Desk review of government policies, reports, documents, legislation, and regulations, as well as an online review of relevant web platforms, including their testing.
- Desk review of civil society reports relevant for the priority areas covered in the national action plan, as well as independent assessments of the implementation of some of the commitments.
- Analysis of the government's end-term and midterm self-assessments of the implementation of the second national action plan (2014-2016), as well as the regular quarterly monitoring reports of multi-stakeholder working groups.
- Interviews with key informants from both the government and civil society. A total of 18 interviews were conducted.
- Observation of the work of the multi-stakeholder working groups, including written communication between its members.
- Reports from the media, relevant for the evaluation of the completion of the action plan.

Neda Korunovska is a former director at Reactor – Research in Action. Her main field of interest is inclusive and participatory policy making, with a strong focus on the enabling environment for civil society and civic engagement. She has a strong background in quantitative and qualitative methodologies. During the monitoring of the implementation of the national action plan, staff researchers at Reactor provided excellent support.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, to empower citizens, to fight corruption, and to 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 to improve accountability.

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