

# Independent Reporting Mechanism

North Macedonia Co-Creation  
Brief 2023

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Open  
Government  
Partnership



Independent  
Reporting  
Mechanism

### Introduction

This brief from the OGP's Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of North Macedonia's sixth action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in the country's context and presents recommendations. These recommendations are suggestions, and this brief does not constitute an evaluation of a particular action plan. Its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings. This brief is intended to be used as a resource as government and civil society determine the next action plan's trajectory and content. National OGP stakeholders will determine the extent of incorporation of this brief's recommendations.

The co-creation brief draws on the results of the research in [prior IRM reports for North Macedonia](#) and draws recommendations from the data and conclusions of those reports. The brief also draws on other sources such as [OGP National Handbook](#), [OGP Participation and Co-creation Standards](#), and IRM guidance on [the assessment of OGP's minimum requirements](#), to ensure that recommendations provided are up-to-date in light of developments since those IRM reports were written, and to enrich the recommendations by drawing on comparative international experience in the design and implementation of OGP action plan commitments as well as other context-relevant practice in open government. The co-creation brief has been reviewed by IRM senior staff for consistency, accuracy, and with a view to maximizing the context-relevance and actionability of the recommendations. Where appropriate, the briefs are reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

The IRM drafted this co-creation brief in June 2023.

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### Section I: Action Plan Co-Creation Process

North Macedonia's [fifth action plan \(2021-2023\)](#) saw a robust co-creation process, successfully overcoming challenges from the COVID-19 pandemic. The Ministry of Information Society and Administration (MISA) collaborated with the OGP Civil Society Organization (CSO) Network and the OGP Council (the country's multi-stakeholder forum) to shape the scope of commitments, resulting in an ambitious action plan covering a wide range of policy areas. As North Macedonia co-creates its sixth action plan, MISA and the OGP Council should make every effort to build on the successes from the previous process and ensure strong collaboration over the commitments.

The IRM recommends the following for the co-creation process:

- Encourage greater involvement among public institutions and ensure institutions have adequate staff and resources to implement commitments.
- Standardize feedback on the decisions for the inclusion or exclusion of commitment proposals.
- Provide new stakeholder groups and public officials with adequate information on their roles in the co-creation process.
- Further integrate the co-creation processes for Open Parliament and Open Justice action plans into the national action plan's process.
- Focus discussions around commitments that can be fully implemented by the responsible public institutions.

### RECOMMENDATIONS

#### **Recommendation 1: Encourage greater involvement among public institutions and ensure institutions have adequate staff and resources to implement commitments.**

An ongoing challenge in North Macedonia has been to ensure that all public institutions are adequately involved in the discussions around the commitments they are tasked to implement. Civil society stakeholders and public institutions have both noted that institutions often lack the necessary financial and human capital to implement commitments. For the sixth action plan, MISA and the OGP Council could provide institutions with minimum standards for their teams that will oversee their institutions' role in the action plan (i.e., size of the team and its allocated budget for implementing commitments). Furthermore, it will be important for institutions to obtain funding for implementing commitments, as lack of funding is often the reason for the exclusion of proposals.

#### **Recommendation 2: Standardize feedback on the decisions for the inclusion or exclusion of commitment proposals.**

During the co-creation of the fifth action plan, public institutions provided verbal feedback to stakeholders on their proposals and in written form by email. However, the practice of providing feedback and the level of detail varied by institution.

For the sixth action plan, the OGP Council will review the proposals from the working groups to develop the draft action plan. To standardize the practice of providing feedback, the OGP Council should publish detailed explanations of the rationale for not including a proposed commitment. Public institutions may reject proposals from the open call before the OGP Council prepares the draft. MISA could offer public institutions a common template to give their rationales for including or excluding proposals. For example, in the Republic of Moldova, the government published a [table](#) with comments and objections by public institutions next to

each proposal. Lastly, each working group should document how they arrived at decisions for the indicators for implementing their commitment proposals.

### **Recommendation 3: Provide new stakeholder groups and public officials with adequate information on their roles in the co-creation process.**

MISA and the OGP Council plan to disseminate educational materials to stakeholders before the public call for proposals. For new stakeholder groups, these materials should include background information on North Macedonia's OGP process, a summary of the work achieved from previous action plans, the intended outcomes of each stage of the co-creation and implementation phases, and the selection criteria for commitments. In addition to CSOs, it is also important to ensure that public officials invited to participate are provided these educational materials so that they are aware of their (potential) role in the OGP process.

To better facilitate CSO-government dialogue, North Macedonia could designate a CSO representative in each participating ministry. This could help CSOs who are new to the OGP process communicate with ministries more effectively on the commitments of interest.

### **Recommendation 4: Further integrate the co-creation processes for Open Parliament and Open Justice action plans into the national action plan's process.**

North Macedonia used its fifth action plan to pursue action plans around "Open Parliament" (led by the Assembly of the Republic of North Macedonia) and "Open Justice" (led by the Supreme Court). These action plans had co-creation processes that were independent from the national action plan. While this separation is not a significant structural shortcoming, MISA could ensure that their next processes (if pursued in the sixth action plan) fully meet the requirements under [OGP's Co-Creation and Participation Standards](#). The previous Open Justice action plan resulted in the creation of an Open Justice Council, consisting of CSOs and representatives of the judicial sector. During the co-creation of the sixth action plan, this Open Justice Council could support knowledge sharing and collaboration among members of the national OGP Council. For example, workshops on the topics of judicial transparency and access to justice could bring in members of the Open Justice Council.

### **Recommendation 5: Focus discussions around commitments that can be fully implemented by the responsible public institutions.**

Stakeholders have noted in the past a challenge of implementing commitments that required changes beyond the scope of the OGP action plan. For example, some commitments have depended on the adoption of laws or the formation of new institutions for their implementation. For the sixth action plan, stakeholders could prioritize the discussions around commitments that can be conclusively delivered by the ministries or agencies responsible for their implementation.

## Section II: Action Plan Design

### **AREAS OF OPPORTUNITY FOR COMMITMENTS**

Under the sixth action plan, North Macedonia could continue pursuing commitments that align the country with the EU accession requirements, building on efforts from its previous action plans. The IRM recommends addressing beneficial ownership transparency, public officials' asset disclosures, judicial transparency, green transition and climate action, and digitization of public services.

### AREA 1. Beneficial ownership transparency

The Central Registry has [operated](#) a Register of Ultimate Beneficial Owners (UBO Register) since 2021. North Macedonia signed [the Summit for Democracy Commitment on Beneficial Ownership and Misuse of Legal Persons](#). Moreover, North Macedonia has expressed interest in joining [OGP's Beneficial Ownership Leadership Group](#).

The Central Register could use the sixth action plan to pursue greater transparency of beneficial ownership information on the UBO Register. For example, the Central Registry could commit to adopting [Open Ownership's Beneficial Ownership Data Standard](#), which has already been adopted by [Armenia and Latvia](#). To support the usability of the UBO Register, the Central Register could create unique identifiers for companies and ensure interoperability with other data standards, such as the Open Contracting Data Standard. Lastly, the Central Register could implement verification mechanisms for the accuracy of the data on the UBO Register, [as in the Slovak Republic](#).

Useful resources:

- Open Ownership: [policy briefing on how to link beneficial ownership data with procurement](#);
- OGP recommendations on beneficial ownership commitments;
- Transparency International: [Recommendations on how to address beneficial ownership transparency in OGP action plans](#);
- Partners that can provide technical support: [Open Ownership](#), [Tax Justice Network](#), [German Agency for International Cooperation GmbH \(GiZ\)](#), [Embassy of United Kingdom in North Macedonia](#).

### AREA 2. Asset disclosure

The Group of States Against Corruption (GRECO) [reports](#) that the State Commission for Corruption Prevention (SCPC) only carried out in-depth scrutiny for asset declarations of a limited number of public officials. In the fifth action plan, the SCPC [committed](#) to establish a tool to verify asset declarations of officials. If this commitment goes unfulfilled, the SCPC could continue it in the sixth action plan. The SCPC could commit to strengthening transparency in its audits of compliance with disclosure requirements. It will be important to give the SCPC sufficient financial and human resources to carry out this task. Civil society could offset some of the workload by contributing to the verification system directly. For example, Georgia [used its 2016-2018 action plan](#) to develop an asset declarations monitoring system involving an independent committee within the Civil Service Bureau and using randomized auditing.

In addition to verification, the SCPC could commit to publishing asset declarations in open data format. Several OGP members have committed to publishing asset declarations as open data, such as [Armenia](#), [Romania](#), and [Ukraine](#). Lastly, the SCPC could revisit the statute of limitations for penalties for officials that have not submitted asset declarations and consider raising the penalties for not submitting asset declarations.

Useful resources:

- Transparency International: [Recommendations on Asset and Interest Declarations for OGP Action Plans](#);
- OECD: [Asset Declarations for Public Officials: A Tool to Prevent Corruption](#);
- World Bank: [Using Asset Disclosure for Identifying Politically Exposed Persons](#);

- Partners that can provide technical support: [Transparency International Macedonia](#), [Global Integrity](#)

### AREA 3. Open justice

North Macedonia's fifth action plan included an Open Justice action plan to increase access to information on the judicial system and court operations. North Macedonia could expand these efforts in the sixth action plan. For example, the Judicial Council could commit to improving transparency in the appointment, promotion, and dismissal of judges, as well as publishing statistical data on the performance of the judiciary and the prosecution. North Macedonia could also include some of these activities in the sixth action plan that support the Ministry of Justice's Judicial Reform Strategy for 2023-2027.

In its 2022 Report, the European Commission [recommends](#) ensuring that the country's electronic system for randomly assigning new cases to judges is fully functional and compatible with the complexity of court cases and the method for assessing judges and presidents of courts. North Macedonia could include commitments focusing on increasing the transparency of the allocation of court cases and ensuring randomization in the allocation.

Useful resources:

- UN Office on Drugs and Crime: [Resource Guide on Strengthening Judicial Integrity and Capacity](#);
- OGP: [Justice Policy Series, Part II: Open Justice](#);
- Partners that can provide technical support: [Global Judicial Integrity Network](#), [Pathfinders](#), [Center for Legal Research and Analysis](#), [Macedonian Young Lawyers Association](#), [Helsinki Committee for Human Right](#), [Central and Eastern European Judicial Exchange Network \(CEELI\)](#).

### AREA 4. Green transition and climate action

As an EU candidate country, North Macedonia has been transposing European climate acquis in its national legislation, including the European Green Deal. In 2022, North Macedonia [participated](#) in COP27, committing to implement the Enhanced Transparency Framework (ETF) of the Paris Agreement. Moreover, North Macedonia is a signatory to the [Aarhus Convention](#), which grants rights to citizens on access to information, public participation, and access to justice on matters concerning the environment. However, the OECD [reports](#) that information on energy and climate policies in North Macedonia is not always easily accessible, even though public institutions are obliged to publish this information under the Law on Free Access to Public Information.

The sixth action plan offers an opportunity to improve transparency around climate action and environmental issues, in line with COP27 and the Aarhus Convention. The Ministry of Environment and Physical Planning could commit to making information on environmental policies and climate action (such as greenhouse gas emissions and waste management) more transparent and easily accessible. This could entail introducing a central database with all climate-related data and documents from the national and municipal levels. Furthermore, the ministry and the country's local Aarhus Center could improve opportunities for citizen participation in environmental decision-making, particularly at the municipal level. For example, in its 2016-2018 action plan, Georgia [adopted](#) an environmental assessment code requiring the government to collect feedback from citizens on the environmental impact

assessments of project proposals. Lastly, North Macedonia could commit to improving the capacities of the Ombudsperson and local judges on handling environmental justice cases.

Useful resources:

- OGP: [Implementing the Paris Climate Agreement through Transparency, Participation, and Accountability](#);
- Knowledge Network on Climate Assemblies: [examples of national climate assemblies](#);
- Partners that can provide technical support: [Aarhus Center in North Macedonia](#), [Balkan WASH Network](#), [Florozen](#).

### AREA 5. Digitization of public services

In the fifth action plan, North Macedonia made ambitious commitments to involve civil society in monitoring and implementing policies in employment and health services. However, the European Commission [notes](#) that the scope of digital services available on the national [e-service portal](#) has not significantly increased, with implementation suffering from low institutional capacity. As part of the EU acquis, North Macedonia is required to digitize public services. Moreover, starting in 2023, MISA will oversee North Macedonia's participation in the [EU's Digital Europe Programme for 2021-2027](#), which has an allocated budget of €7.5 billion to accelerate the digital transformation of Europe's society and economy.

In the sixth action plan, North Macedonia could strengthen the delivery of digital services through open government reforms. MISA could look to the examples of commitments around other national e-service portals in the Western Balkans when improving the digital services available on North Macedonia's portal, such as Albania's [e-Albania portal](#) and [Croatia's Central State Portal](#). Emphasis could be placed on making sure that online services are easily accessible to marginalized or socially vulnerable groups. MISA could also work toward providing unified information on administrative procedures and simplify procedures for citizens and businesses in interacting with the public administration. For example, Serbia has used its OGP action plans to [establish](#) a single register with all information on administrative procedures and other business requirements. This has entailed abolishing or simplifying administrative procedures that are deemed burdensome by citizens and businesses.

Useful resources:

- OGP: [Actions for Transparent and Accountable Digital Governance](#);
- Partners that can provide technical support: [Metamorphosis Foundation](#), [Regional School of Public Administration \(ReSPA\)](#).