

# Open Government Partnership MACEDONIA OPEN GOVERNMENT Mapping Report

## I. EXECUTIVE SUMMARY

The Macedonian Government has strong commitment to the open government reforms. In 2012 it adopted a two year action plan for achieving these objectives. However, the implementation pace of the action plan is stalled due to the domestic political dynamics. Where the initiative corresponds with EU integration reforms the implementation is more effective as compared with other areas.

The most prominent reforms have been in the process of policy making. Introduction of mechanisms for making this process open and consultative are on the way. Increasing the level of transparency has been also recognized as high priority and thereof integrated in all relevant policy documents which are legally binding. In respect to openness for participation and transparency one might say that the government of Macedonia takes the lead in directing reforms and conduct. The readiness of citizens and organized civil society to respond to the opportunities to affect decision making is however rather limited. The main challenges remain low awareness and / or disbelieve in the effect participation and transparency can have on good governance.

Most difficulties are in the area of holding government accountable. Namely, although vast majority have at some point utilized mechanisms of direct democracy (rallies and protests) to hold government accountable , they do not believe that individuals, groups or even institutions and organs established to hold government accountable (such as the Parliament or the Ombudsman) as effective in accountability enforcement.

## PROJECT PARTNERS



**THIS PROJECT IS FUNDED BY THE EUROPEAN UNION**

Even the use of new media, web sites are not promising avenue for advance of reforms in this area as most of Macedonian citizens do not use these tools to access open data regularly.

This mapping report provides a snap shot of where Macedonia is in terms of implementing open government reforms, what are the procedures, institutions and challenges to achieving OGP goals and what is more what are the perceptions of the citizens in respect to the various aspects of Open government. The mapping report is accompanied with a monitoring plan which provides an outline of activities for monitoring, awareness raising, building capacities for using tools for transparency, participation and holding government accountable and coalition building within civil society for achieving OGP objectives.

## **II. APPROACH to OPEN GOVERNMENT**

In a letter to the Open Government Initiative the Minister of foreign affairs of Macedonia states that the “Government of Republic of Macedonia firmly believes that openness and citizens engagement play a major role in fostering accountability, promoting innovation and growth and improving performance”. The OPG Initiative is seen as providing framework for state authorities to develop and advance their commitments on open government and make tangible results in that direction.

The policy reforms that are presented as complementary to the OPG Initiative are the adoption of the Law on Free Access to Public Information, the adoption of the Strategy for Cooperation with Civil Society, and the Anticorruption strategy. The Ministry of Information Society and Public Administration (hereinafter MISPA) has been made responsible to coordinate the process of achieving OGP objectives, whereas all other relevant organs, government bodies and institutions were made responsible to pursue activities in line with the OGP Action plan. The MISPA also developed a web site ([www.opendata.gov.mk](http://www.opendata.gov.mk)) to facilitate the information sharing between institutions and to allow citizens one access point to all government data.

In the next section we are to analyse each of these documents, actions, and tools as to assess the Government’s commitments to open government and the context in which the Action plan for Open Government was developed and endorsed to be implemented in the country.

### *1.1.1 1. How open is the Macedonian Government?*

#### *1.1.2 1.1. Legal aspects*

The Republic of Macedonia adopted a Law on Free Access to Public Information (hereinafter: Free Access Law) that predetermines a procedure for requesting and receiving information. The Law was prepared in participatory way with numerous NGOs contributing to the legal drafting. It was put into force on September 1st, 2006. This Law operationalized the right of all to demand information, which has been a constitutionally guaranteed right since 1991. At the same time, the Free Access Law predetermined an obligation on part of the information holders (public bodies) to provide access to information that they have created or hold. There are several instruments used for enforcement of the Free Access Law:

- **The Commission** is an independent body for the enforcement of the Free Access Law deciding on appeals made against decisions by the public bodies to deny requests. The Commission, as a second-level body, decides on appeals against denied requests for free access. It is responsible for the education of citizens and public bodies, gives opinions on the laws that regulate this right, and submits an annual report on how the Law on Free Access is being enforced.
- **Information Official** – All public bodies are obligated to appoint an information mediating official whose responsibility is to assist citizens in submitting requests for access to information. This official should act upon the request internally and ensure the timely reply to the requests.
- **List of Public Information** – The List, as a catalogue or index, should be prepared by all public bodies and published in a manner that would make it easily accessible to the public, so that the citizens can be informed as to what kind of information each public body holds.
- **Request Form** – is the written form of the request for free access to information. As a rule, the citizens should submit their requests through this request form, which, in principle, is used to make access easier. If the request is not submitted on the request form, however, yet it is nevertheless clear from the content of the request that it is a request for access to information; the public bodies are obligated to consider and process it, according to the Free Access Law.
- **Pricelist** – The Government adopted an act<sup>1</sup> which determined the material costs for which compensation may be requested, and that have occurred as a result of supplying the information.

### 1.1.3 1.2. Procedure

Citizens have the right to free access to public information and can obtain it from holders of such information: orally, in writing or in electronic way. If the information holder approves access to the requested information, they should release this information within 10 days after the request was received orally. If the request was submitted in writing (Articles 12 and 14) the deadline for receiving the answer to such request is 30 days from the day of submitting of the request. This period can be prolonged for further 10 days for two reasons (Articles 21 and 22): (i) to enable a partial access; or (ii) because of the largeness of the requested document.

If the information holder, that the request was sent to, does not possess the requested information, the request is directed to the institution that possesses the requested document and the information seeker is informed on the referral.

If the information is not provided or the request for information is partially responded citizens can submit complaints to the information holder within 15 days from the day you received the decision (Article 28, Line 1). The complaint can also be submitted to the Commission for Protection of the Right to Free Access to Public Information (Article 28, Lines 1-4). The Commission decides on the complaint within a timeframe of 15 days from the date when the complaint was received (Article 28, Line 3).

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<sup>1</sup>Decision of the Government of RM (“Official Gazette of RM”, No. 13/06)

The decisions of the Commission are final, but the applicant for information has the right to an appeal (to start an administrative procedure) against the decision of the Commission. The appeal should be sent to the Supreme Court of the RM, which is authorized according to the provisions of the Law on Administrative Procedures.

#### *1.1.4 1.3. Practical implementation*

The law is being implemented for seven years and the implementation is progressing well. If at the beginning there were numerous deficiencies the latest monitoring reports show that more than two thirds of the information holders responded within the legal limit of 30 days and delivered the requested information (MYLA Report 2012). The monitoring of the implementation of the law identified low level of awareness and knowledge on how and what information should be released, no consistency of applied rules across public administration units, and lack of systematic approach for sanctioning the irresponsible public information holders. This at the beginning was mainly due to the fact that the Commission for Free Access to Information was late with training civil servants and raising their awareness on how to apply the Free Access Law and secondly due to the inefficiency of the mechanisms for holding institutions accountable for not responding to request for free access to information.

The application of the law reveals the following challenges: citizens have their request not responded on time; their request was transferred to another public body (usually long after the deadline) without being informed on the referral; or the public bodies refused to supply information that they hold, but was created by someone else. In many cases and especially where budget data was requested the administration decided not to respond and release data, but to remain silent (i.e. within the monitoring two out of three budget data requests were faced with administrative silence and data was supplied in appeal procedure).

Administrative silence is an area that decreases the transparency of the Macedonian civil service. The tools against such practice in the Macedonian public administration system are already embedded in the Macedonian Free Access Law, which regulates an appeal procedure to be initiated at any time which influences the official's responsibility and work and makes the citizen free of obligation to count the days since the request was filed to make sure that she does not miss the appeal deadline and therefore be punished for the body's inability to do its work. However the public bodies do not compulsorily apply the Public Interest Test in each particular case when they limit access to information, applying the exceptions listed in Article 6 Paragraph 1 of the Free Access Law. Therefore the particular conditions in which the assessment is carried out, in order to determine whether the benefits for public interest from the publication of the information outweigh the damages caused to the protected interest are largely unknown which closes the administration further and decreases the level of transparency of the system.

## **2. How participatory is the decision making in Macedonian Government?**

### **2.1. Legal aspects**

Inclusion of citizens in the policy making processes is emphasized in the Constitution<sup>2</sup> (Art.2 p.2) “citizens of Republic of Macedonia exercise the power through democratically elected representatives, through referendum and other forms of direct democracy”. Furthermore, the Constitution very clearly regulates that each citizen has the right to submit an appeal to state bodies and other public services and receive a reply from them, for which the citizen can not be called responsible nor suffer damaging consequences. The civil society as representative of citizens interests with Art. 20 assumes rights to freedom of association and the right for peaceful assembly and public protesting without prior registration and special permit<sup>3</sup>.

Civil society can initiate legislation through three different forms determined by the Constitution: through a member of parliament; through the Government or through initiative<sup>4</sup>. The decision making process and participation of citizens and civil society organizations in it is further regulated by the following legal framework: Law on the Government of Republic of Macedonia<sup>5</sup>, Law on organization and work of the bodies of state administration<sup>6</sup> and the Rules of procedure of the Government of Republic of Macedonia<sup>7</sup>.

### **2.2. Procedure**

With the latest changes of the Rules of procedure of the Government the policy development process is opened to other state and non-state stakeholders. This makes all interested parties (businesses, CSOs, interest groups, academia and etc.) actors with an impact factor in the policy development process. The public consultation process is facilitated through the single national electronic registry of regulation (hereinafter: ENER) where all current (laws and bylaws) as well as draft legislation are supposed to be presented to the public and their feedback gathered in 10 (ten) days from the publication. The Ministry, responsible for the legislative document published in ENER, should produce a report on the public consultation process and its results.

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<sup>2</sup> Official Gazette of Republic of Macedonia no. 52/91 Constitution of Republic of Macedonia

<sup>3</sup> Official Gazette of Republic of Macedonia no.81/05 Law on referendum and other forms of direct expressions of the citizens, article 3

<sup>4</sup> General Secretariat of the Government of Republic of Macedonia, Guidebook for policy creation, 2007

<sup>5</sup> Official Gazette of Republic of Macedonia no. 59/00, 12/03, 55/05 and 37/06, Law on the Government of Republic of Macedonia

<sup>6</sup> Official Gazette of Republic of Macedonia no. 58/00, Law on organization and work of the bodies of state administration

<sup>7</sup> Official Gazette of Republic of Macedonia no. 36/08, Rules of procedure of the Government of Republic of Macedonia

### **2.3. Practical implementation**

However, not all Ministries publish their draft legislation in the registry, nor there is evidence of a public consultation report being made to date<sup>8</sup>. In practice, the information from the consultations which are held are summarized in the Memorandum or the RIA forms that accompany the new legal act. The business associations and NGOs that have been included in this assessment that preceded this analysis testified to the fact that their involvement in the policy process is bigger after a certain legal framework is adopted and enacted. This is also due to the fact that the Government is continuously making efforts to build the capacities of the interest groups (the chambers, associations and organizations) for their proactive participation in the policy – making process and particularly while preparing the regulatory impact assessment which serves as a frame for the public consultations to take place. Their involvement is in a form of feedback identifying the problems in implementation rather than depicting these failures at the beginning of the policy process when policy options are identified and evaluated. Therefore in the Macedonian policy making process, one might say, the non-state actors act as pressure groups for change of policy rather than as active policy making actors.

The OSCE assessment of use of public consultation mechanisms showed that many groups are active and play an important role in both policy making and policy execution. Namely, with the opening of the process for public consultations, strengthened through the regulatory impact assessments, business associations especially became active in providing contributions to the legislative process which fits well with Government's objective to induce a shift from bureaucracy to businessocracy. The representatives of the Macedonian association of chambers of commerce and the Macedonian chamber of commerce testified the increasing trend of building legal capacity in their offices to be able to contribute with constructive comments to the development of new legal acts to be responsive to the needs of the businesses. They have hired lawyers, make surveys of opinion and submit summary of (survey) gathered comments to the proposed laws representing the interests of their members. Several NGOs act as partners to the Government in execution and monitoring of Laws, bylaws and commitments from international conventions of which Macedonia is signatory.

## **III. THE GRAND CHALLENGES OF THE OPEN GOVERNMENT PARTNERSHIP**

### **1)Improvement of public services**

The only study that detects the status of participation, transparency and accountability of public service provision in Macedonia is the Global Integrity/CRPM study: Information Access in Health and Education Service Delivery in Macedonia<sup>9</sup> which is mapping and

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<sup>8</sup> The ENER web site was last visited on Monday, May 20, 2013

<sup>9</sup> Available at:

<http://commons.wikispaces.com/file/view/WBMacedoniaHealthEdFinalReport%202011%201%200001%20FINAL.pdf/195635154/WBMacedoniaHealthEdFinalReport%202011%201%200001%20FINAL.pdf> , last visited May 20<sup>th</sup>, 2013

identifying *what* information-related rights, institutions, and mechanisms exist and how effective they are (or are not) at providing health- and education-related information to service beneficiaries.

The study has several findings through which the challenges in public service delivery can be identified:

- (i) First, is the yawning gap between information access laws as they relate to education and healthcare service delivery and their implementation and enforcement in Macedonia. As noted in the previous section of the report, a substantive portion of the relevant legal framework is in place, but significant work remains to be done in order to ensure that it is effectively realized. One likely factor that contributes to the implementation gap is the lack of coordination among different policy making institutions, which has created a system lacking in transparency that weakens enforcement of the right to health care. The disjuncture between formal rules and how they operate in practice can also be attributed, in part, to the unstable processes accompanying Macedonia's ongoing accession to the European Union (EU), as the emphasis is put on approximation of legislation rather than on implementation of the same. "In lay terms, national-level access to information/right to information laws may not be a panacea for ensuring information access at the sector level even if a national law theoretically provides for such access. Such national laws and mechanisms are simply too cumbersome and too removed from most beneficiaries' daily habits as to make them useful. "
- (ii) Second, there is relative absence of demand-side governance mechanisms that facilitate citizen participation such as citizen audit and monitoring groups. Citizen engagement and local empowerment through participation in key decision-making processes as well as auditing and monitoring exercises are generally understood (by transnational agencies) to be a core part of democratic governance. In the case of Macedonia, however, civil society groups that oversee public service delivery are virtually absent. To respond to this situation the Government initiated recently a Project: Evaluate the administration in which the Pension and Health Insurance Fund, the Revenue Office, the Cadaster office and the Police are being assessed. However, these assessments are more alike to satisfaction survey rather than an effective mechanism for holding the public service providers accountable for quality of service.
- (iii) Third, while few citizen/community-based monitoring groups are active, official government audits and monitoring are conducted fairly regularly. However, this monitoring focuses on the alignment between the laws and how the service is provisioned, rather than of what quality the service provision is and whether it is valued by citizens or not as good.

The Macedonian Government adopted an Action plan for achieving Open Government goals. In the section for improving public services they plan an upgrade of the available internet based portal [www.uslugi.gov.mk](http://www.uslugi.gov.mk) ([www.services.gov.mk](http://www.services.gov.mk)) which provides consolidated information on all public services provided. In the action plan it is provisioned that the electronic tool will be upgraded to provide responses to citizen's questions and requests.

In addition in period 2012-2014 to stimulate the citizens monitoring the Government will work on advancement of another instrument: the citizens' diary. With this tool the citizens can complain on the formal aspects of the public service provision.

Finally, the Ministry of Information society and administration in the same period will develop an application through cloud computing in order to improve coordination and exchange of information between the service providers.

## **2) Building public integrity institutions and increasing their effectiveness**

The country has publicly expressed political will/commitment to fight corruption and in the past period developed comprehensive anticorruption legal framework under which the anti-corruption institutional framework was build. The State commission for prevention of corruption is the main body that implements the Anticorruption strategy in the country, but also E-government is promoted as a tool to increase transparency and prevent petty corruption. The culture for zero tolerance to corruption is lately strengthened through imposition of stricter sentences for corruption-related offences.

However, as the EC Progress report 2012 states "track record of investigations, prosecutions and convictions, including the full use of available enforcement means and special investigative techniques, has yet to be established". Collection and analysis of statistical data for monitoring anti-corruption policies on local level government is underdeveloped and public anti-corruption awareness remains low.

The only study that analysis the legal and institutional capacity for fighting corruption including identification of challenges is the Anti-Corruption Law in Local Government: Legal Issues related to Ordinance-Design and Municipal-Level Anti-Corruption Agencies in Macedonia by Bryane Michael, Linacre College (Oxford) and Stephen Mendes, European Border Assistance Mission to Moldova and Ukraine (EUBAM)<sup>10</sup>. In this study the following challenges are put forward:

- (i) First, the State Commission does not have the resources needed to effectively tackle municipal-level corruption. Of the roughly 350 complaints received, only 3 resulted in significant action by the State Commission (1 involved a criminal indictment, 1 resulted in a recommendation and 1 complaint led to a misdemeanor charge being filed against the accused).
- (ii) Second, the State Commission does not receive the level of co-operation from municipalities required in order to address municipal level corruption. The sanctions envisioned in the Anti-Corruption Law may provide part of the explanation for municipal-level lack of co-operation. Such sanctions are not likely to be "effective, proportionate and dissuasive" as required by article 26(4) of the UN Convention Against Corruption. According to articles 61-66 of the Anti-Corruption Law, the fine for non-criminal corruption offences ranges from €333 to €833. Clearly, the State Commission requires assistance from other state bodies if the Commission hopes to effectively tackle corruption.

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<sup>10</sup> <http://web.hku.hk/~bmichael/publications/anticorruption%20law%20in%20macedonia.htm> last visited May 20<sup>th</sup> 2013



The CRPM has in addition identified another challenge:

- (iii) Third, although the Anticorruption strategy envisages work with the civil society and media, strengthening of civil society organizations to act as partners of government in fight against corruption has not occurred. The Transparency International office in Skopje works on country level regularly measuring the perception of Macedonian citizens on corruption, but does not monitor, nor provides data and analysis for anticorruption in the country. No other organization on local level works on anticorruption. As a result institutional cooperation between CSOs and local governments in the area of anticorruption has not been developed as well.

The Macedonian Government action plan to achieve the Open Government objectives addresses some of the identified challenges through: introduction of local integrity plans and methodology development for introduction of local integrity systems; increasing the number of information published by the inspectorates on their web sites; introduction of integrity systems in public administration and developing anticorruption policies in institutions.

### **3) Effective public resource management**

Budget execution is thoroughly regulated through the Budget Law (articles 37 through 51). The budget execution process is heavily focused on expenditure control through a consolidated Treasury Single Account. In addition, a commitment ledger, in which budget-users are required to register financial commitments in advance, has been put in place. The centralized control of individual payments reduces flexibility at the level of budget-users and may come at the cost of a decreased operational efficiency in the government administration. Nonetheless, current budget execution practice may be the most appropriate for Macedonia given the relatively weak internal financial control systems in budget-users.

According to the Budget Law (article 52), the Minister of Finance is required to submit to the government by 31 May the final accounts of the previous year's budget, together with the audit report of the Supreme Audit Institution (State Audit Office). After approval by the government, the final accounts are to be submitted to parliament no later than 30 June.

The only study that analysis the legal and institutional capacity for effective public resource management is the Public Finance Transparency study<sup>11</sup> by CRPM which also identifies challenges:

- (i) First, the legal framework does not mention of the possibilities for citizen's involvement in the budgetary process on national level, whereas public hearings are organized on local level. The decentralization and the transfer of competencies to the local authorities do not directly provide legal tools for the involvement of the citizens in the budgetary process.
- (ii) Second, for successful and transparent management of the national and local budgets, besides the state, the citizens need to become directly involved in the process of supervision of the budgetary process. It is not enough that the Law

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<sup>11</sup> <http://www.crpm.org.mk/wp-content/uploads/2012/03/PublicFinanceTransparency.pdf> last visited May 20th 2013

on Local Self-government defines "direct citizen participation" as the individual or collective involvement of the citizens. There is still a culture of passivity in Macedonia, as far as citizen involvement at national and at the local level.

- (iii) Third, State Audit Office does not perform a specific audit of the consolidated state accounts, not even of the execution of the state budget as a whole. The annual audit of the state budget consists rather of compiling and summing up the results of the separate audits performed on each individual audit. In fact, the current approach is almost totally disconnected from the budget process, as there is no linkage between the production of the audit report and either the submission of the annual draft budget, of a "rebalanced budget" document or of the final (consolidated) state accounts. The audit report does not focus on the overall cash execution of the budget, and in any case the SAO has so far not audited the revenue side of the budget. This approach is possible, but it is certainly not in line with the good SAI practice of producing an overall report on the implementation of the consolidated state budget, which is a key output of any SAI and also provides a relevant matrix for further programming of audit work.

The Macedonian Government action plan to achieve the Open Government objectives addresses some of the identified challenges through: the introduction of the initiative for open budget with open data.

#### **4) Creating safer communities, both from the point of view of public order and environmental risks**

The Ministry of Interior as well as the Ministry of Defense publishes information on the top personnel – the Minister, State Secretaries and Deputy Ministers, as well as the head of departments in the two ministries. The special unit's heads are also known as well as the unit's authority (i.e. the rapid reaction forces, the task force for organized crime etc.)

The Ministry of Interior publishes annual work program and Annual report on achieved results and its web site has under statistics and reports a list of resources categorized as open government partnership where it publishes all information on crime rates, to actions taken as well as reports from the accountability mechanism - the internal control of the Ministry.

The Ministry of Defense does not publish annual program or report on its web site. One can download the white paper on defense and the national program documents for NATO accession which in essence encompass the reform vision of the country in the last 20 years. The Ministry offers information about the Macedonian army, its structure, education and training as well as the missions it is engaged in. It offers statistics that are sensitive to ethnicity, rank and gender.

Public procurement for all Ministries (including the two in focus) is centralized through the Bureau for public procurement which uses technology (e-procurement portal) for each purchase<sup>12</sup>.

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<sup>12</sup> <https://e-nabavki.gov.mk/>

Commitment to EU and NATO membership brings security sector governance to the spotlight since democratic governance is a precondition for membership. Good governance and democratic control of security sector were part of these reforms but not all security sector actors have reformed at the same pace. The Almanac of Security sector oversight in the Western Balkans notes the following problematic issues:

- (i) Lack of political will among parliamentarians and independent state institutions to conduct substantial oversight leaves a great possibility that the principle of good governance continues to be impeded in sensitive areas such as misuse of finances, excessive force, human rights infringements, etc.
- (ii) Insufficient cooperation among oversight institutions and security actors (e.g. between Ombudsman and the SICPS or between parliamentary committees and the DSCI) hinders smooth flow of information and prevents more joint cooperation activities.
- (iii) MP's lack of expertise on security sector oversight remains a problem despite constant calls for strengthening this shortcoming by engaging more staff and resources. What will dominate the security sector arena in coming years, especially in oversight and accountability, are efforts of state institutions to implement relevant laws, guaranteeing full usage of oversight mechanisms. Parallel to this, the role of civil society will become more prominent, contributing to the effective control by scrutinising Macedonian security actors.

The Action plan for open government of Macedonia does not include a chapter on safer communities.

#### **5) Increasing corporate accountability, taking into account the special position of the politically managed SOEs.**

In Macedonia the privatization account almost all State Owned Enterprises. The big utility companies were also part of this reform in regard to their distribution branches whereas energy production branches remain in state ownership for now. Those are subject to control by the Parliament and the State Audit Office. Most have own web sites where data is published and are increasingly mobilizing their service provision by allowing e-payment for their services.

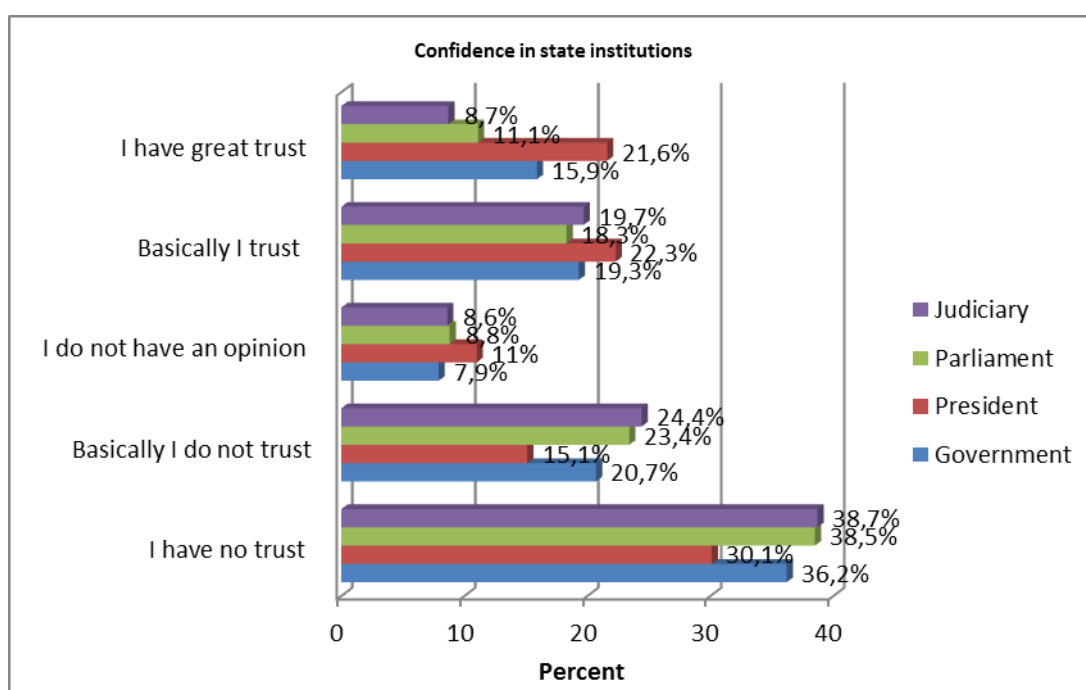
The Action plan for open government of Macedonia does not include a chapter on increasing corporate accountability of SOEs.

## IV. SURVEY ON TRUST AND CONFIDENCE IN GOVERNMENT OPENNESS (2-4 pages)

### IV.1. Confidence in government

#### 1. Confidence in institutions

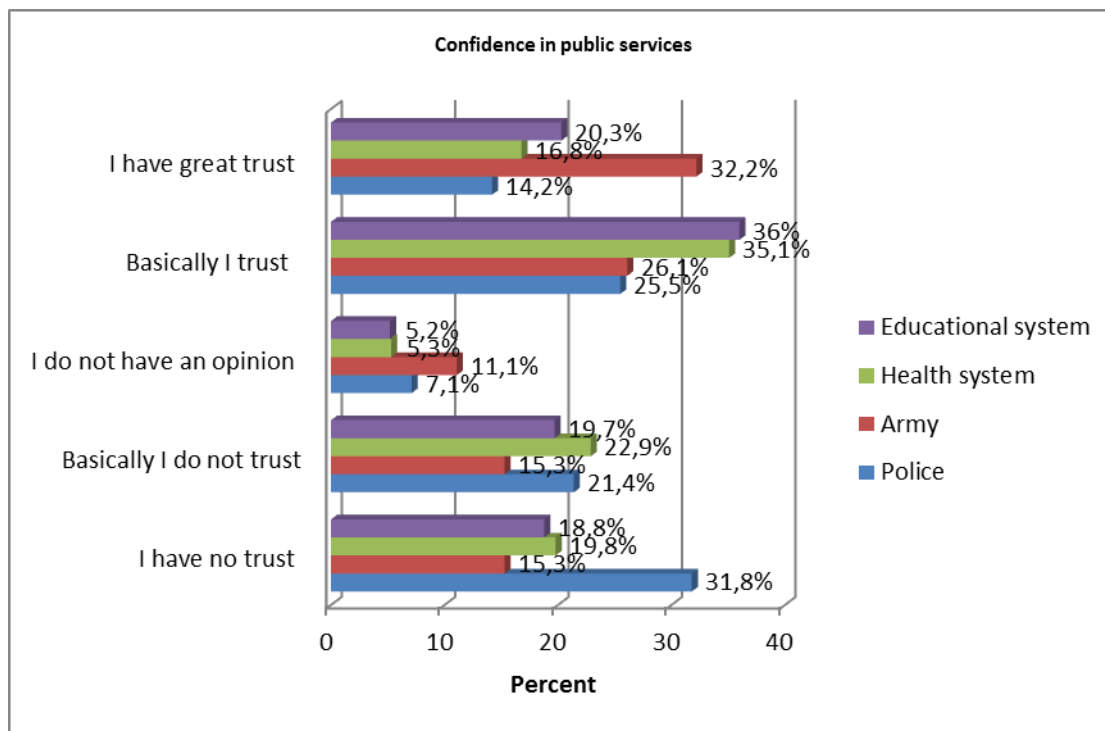
The opinion poll conducted within the process of production of this mapping exercise showed that the President is the institution in which citizens have trust (22.3%) or even great trust (21.6%). The judiciary is the institution with lowest level of trust with 63% (combined responses under basically do not trust and have no trust); followed by the Parliament with 61.9% (combined responses under basically do not trust and have no trust).



The confidence in Government is divided. From all respondents 43.9% have trust where as 46.1% distrust the Government.

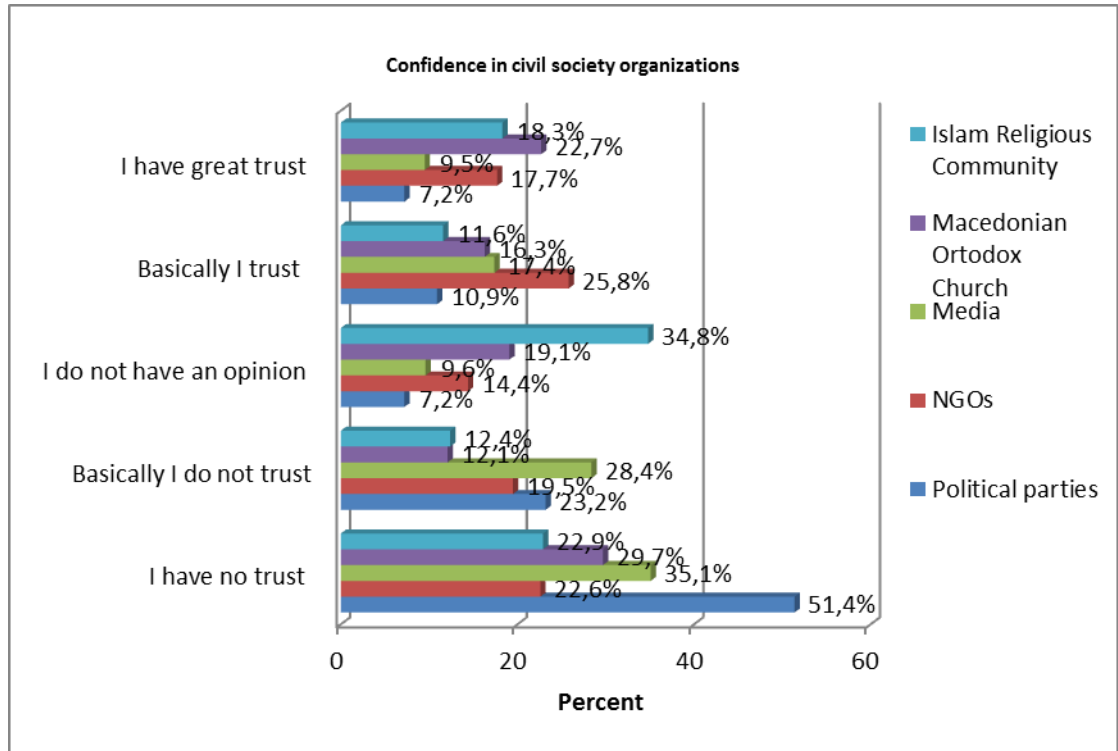
#### 2. Confidence in services

In regard to public services the opinion poll conducted within the process of production of this mapping study showed that the army has biggest confidence levels (58%), followed by the educational system (56%). The police and health services on the other hand have lowest confidence levels with 53% and 42% respectively.



### 3. Confidence in civil society

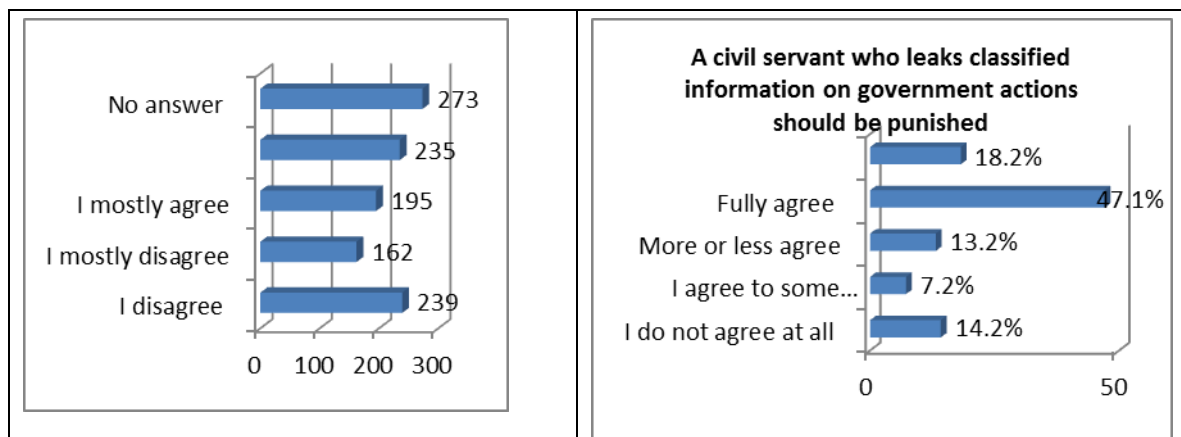
The trust in civil society is lowest of all institutions measured in the open government survey. As the graph below show the political parties are the least trustful actors in the Macedonian society with 74.6%; followed by media with 63.5% of distrust. Contrary the civil society organizations that enjoy greatest trust of citizens are the non-governmental organizations 44.5% followed by the religious organizations: the Macedonian Orthodox Church with 39%, and the Islamic religious community with 29.9%.



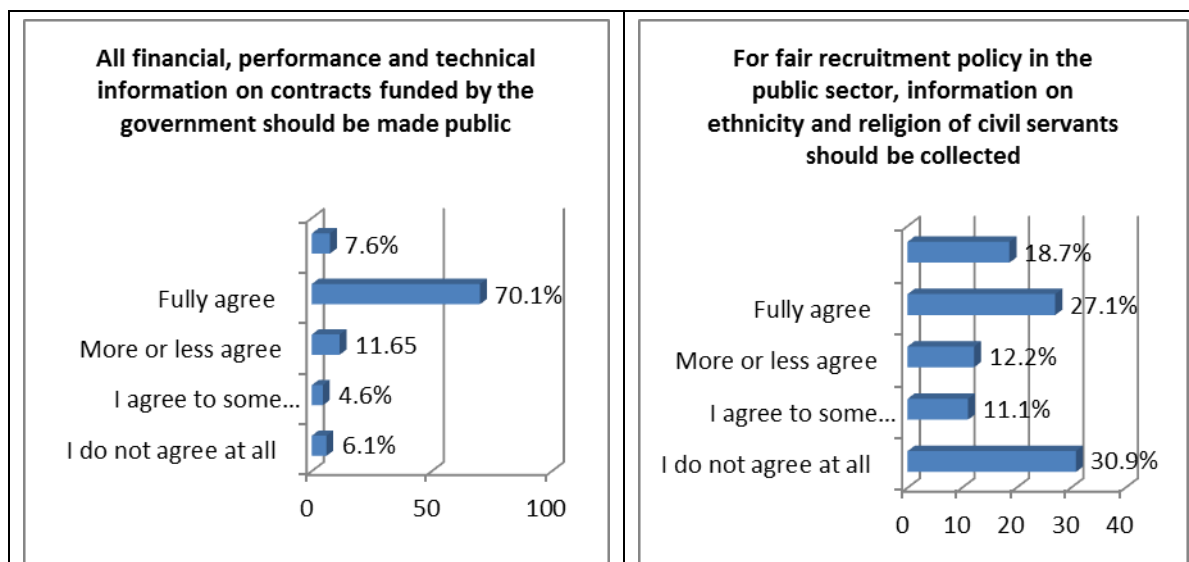
## IV.2. Open government

### 1. Transparency

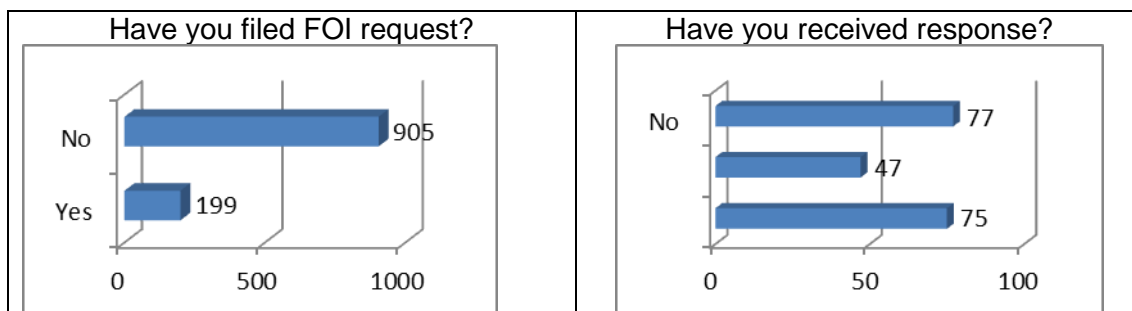
The prevailing number of Macedonian citizens does not consider the openness of the government as a good thing, but rather as making the country more vulnerable (39% of all respondents). However, there are 36% of all respondents who are opposed to this claim. Therefore, it is understandable that citizens require civil servants that leaks classified information on government's actions to be punished.



When it comes to the personal property and income of citizens' representatives in the Parliament the people of Macedonia in high numbers require full disclosure (majority of 55.6% of respondents). This is also the case with the publicity on government funded projects which also is expected to be fully available to citizens (70% of all respondents); however on the note of openness about employment of ethnic and religious minorities in the public sector there are more citizens against keeping such data (31%) than supporting it (27%).

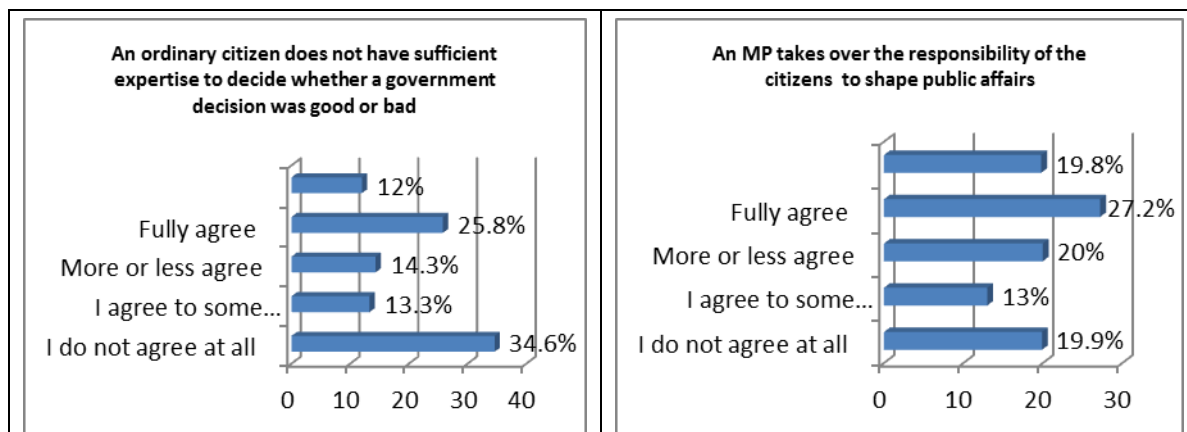


Finally, over 80% of Macedonian citizens have never filled out a formal request for information of public character and those that have got response within the legally binding timeframe or shortly after the deadline.

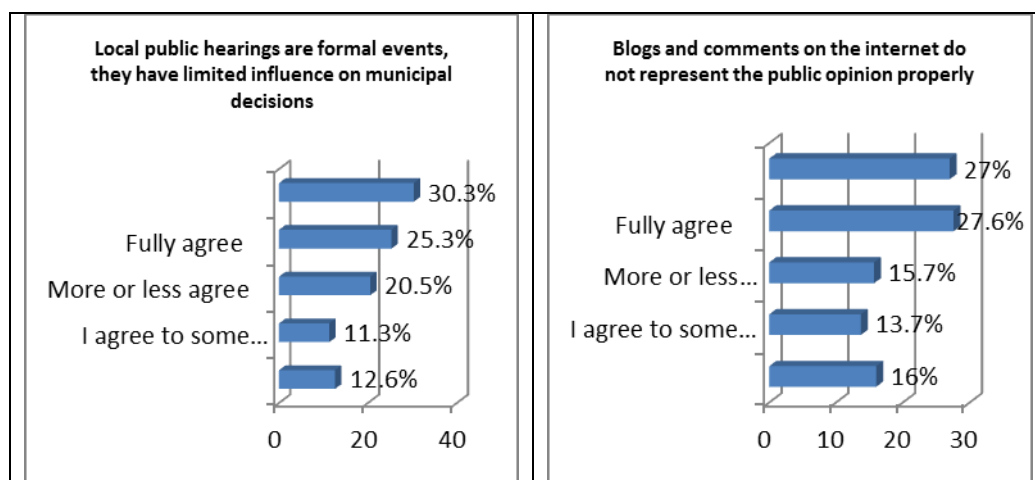


## 2. Participation

The participation of civil society in decision making is an important indicator on the openness of the Government. As the mapping report above shows there are numerous mechanisms that enhance participation of citizens in decision making, but still level of utilization of such mechanisms is low. The public opinion poll results provide somewhat explanation why is this so. Namely, the findings show that citizens consider themselves not to have sufficient expertise as to decide whether government is doing good or bad (40.1% of total respondents); and that the members of Parliament are more suitable representatives to shape public affairs to the specific needs of the citizens (47.2% of total respondents).



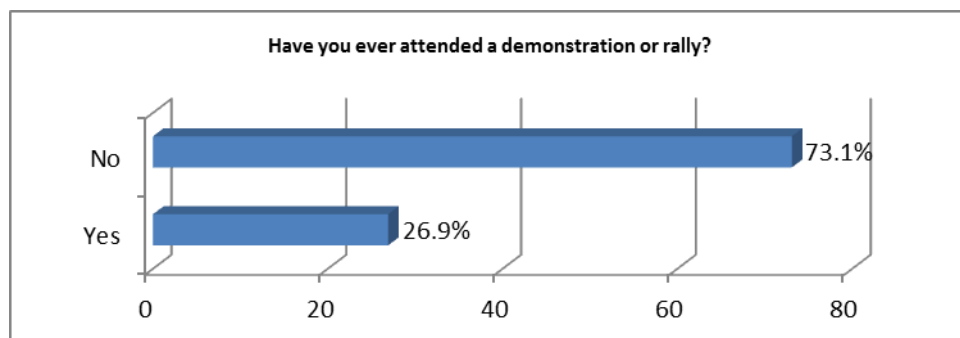
Citizens' opinion is divided in regard to the lobbying effect on society, 36% consider it harmful, whereas 37% disagree with this standpoint. However, most of the respondents 45.8% (cumulative agree and mostly agree) also consider local public debates as formal events that have limited influence on the municipalities' decisions, opposed by 23% of respondents. This opinion is discouraging for greater participation of citizens in local decision making. The potential of using new media such as blogs and discussion boards as tools for fostering public participation and consultation and enhancing citizen's involvement in policy making also is rather limited. The opinion poll showed that majority of citizens does not believe the legitimacy of the comments and opinions generated through blogs (43.3% of all respondents).



### 3. Accountability

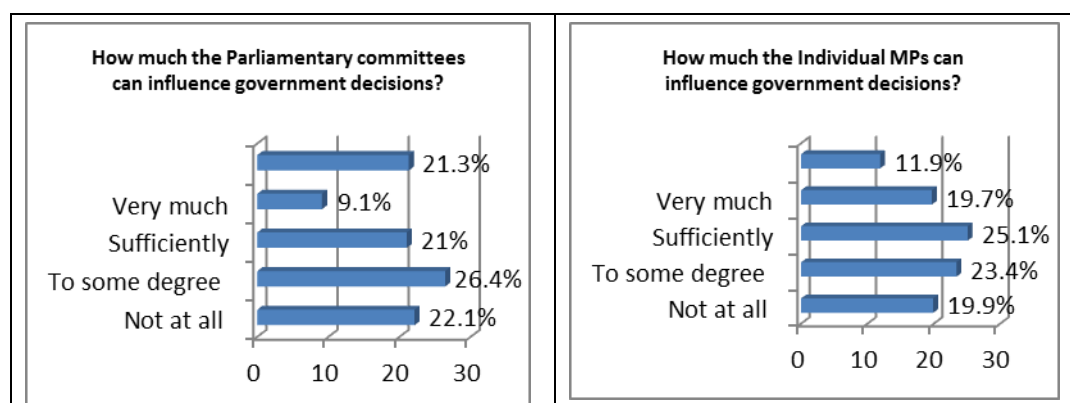
Holding government accountable is something that Macedonian citizens seem to practice well in masses. Most of the respondents, or 73,1% reported that they have not attended demonstration or rally sometimes in their life. 15,9% said that the last time they attended such an event was this year -2013, 3,8% said that the last time they attended demonstration or rally was last year - 2012, while 2% said 2011. The rest of the respondents said that the last time the participated in such an event was some year between 1991 and 2010, but the proportion of such respondents is less than 1% for each of the years in this range.





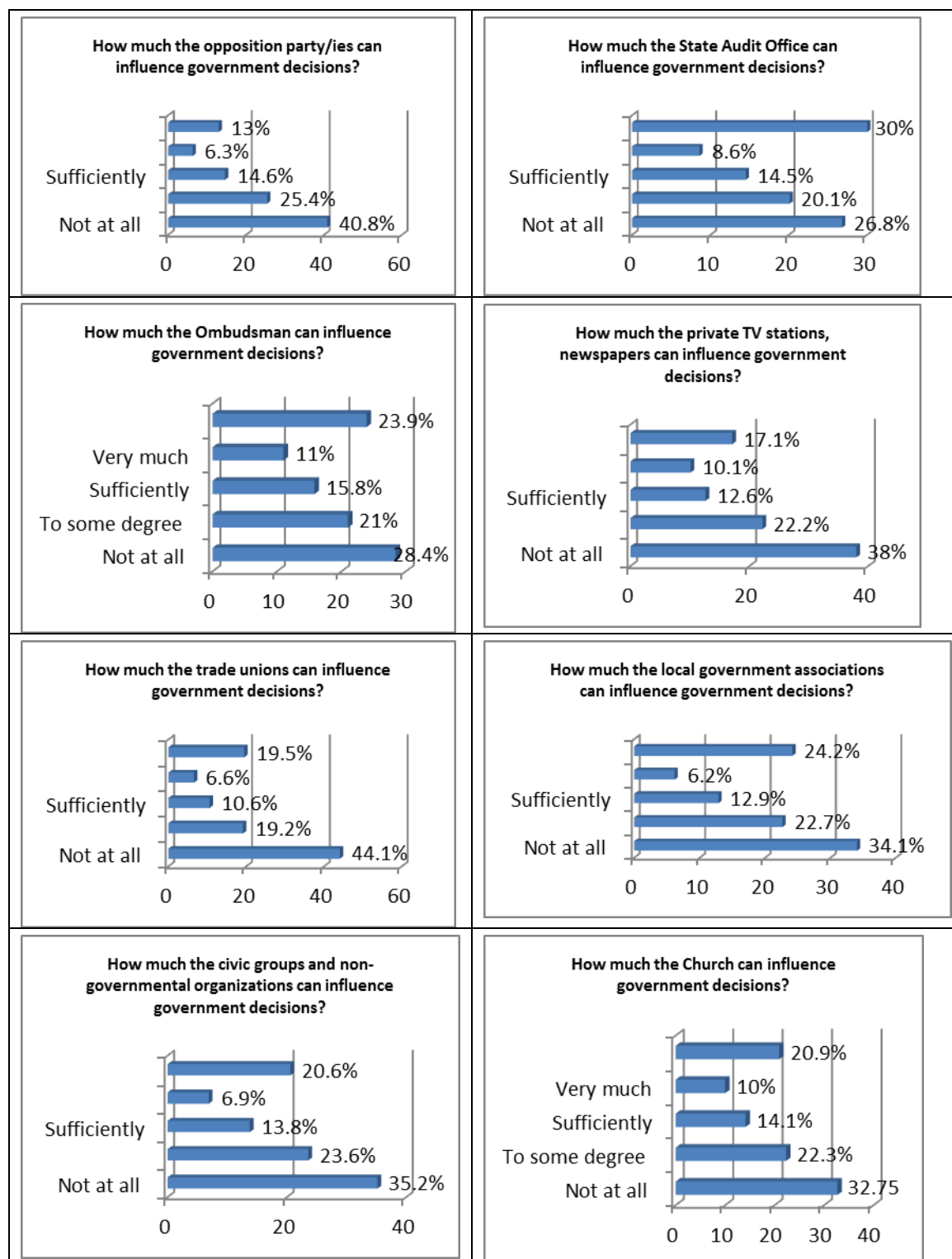
Using institutional mechanisms to hold government accountable is however less favoured. Through the oversight role of the Parliament one might notice what the main reason could be in the distrust in the influence of the parliamentary committee over the work of the government as only 9.1% of the respondents find that parliamentary committees can influence very much, 21% sufficiently and 26.4% to some degree the government decisions. As opposed to that opinion, 22,1% of the respondents think that parliamentary committees cannot influence at all government decisions.

About the possibility of individual MPs to influence government decisions, 19,7% said that MPs can influence the decisions very much, 25,1% said sufficiently and 23,4% said that they can influence them to some degree. Opposed to them, 19,9% of the respondents think that individual MPs cannot influence at all government decisions.



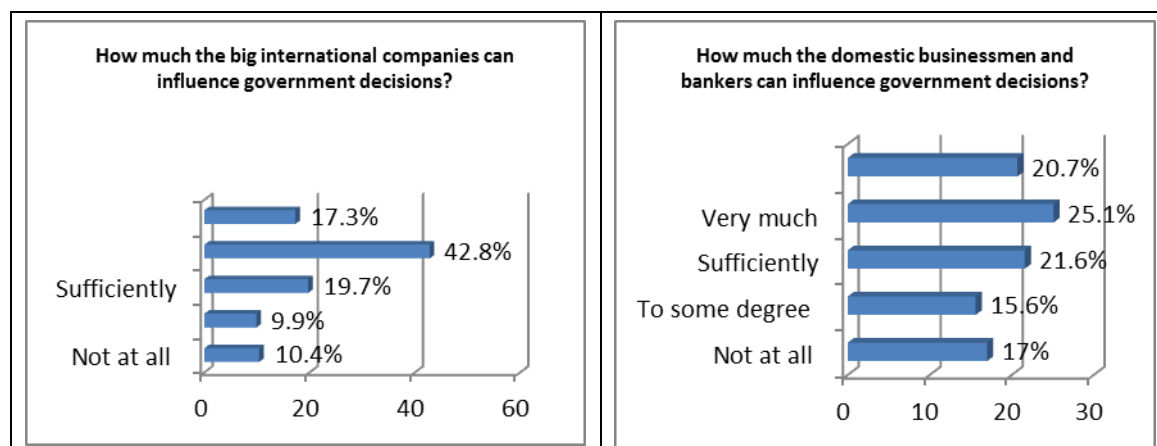
Overall, the majority of respondents find that the groups and individuals in the Parliament have the possibility to influence the decisions of the government.

Regarding the organs and bodies that have the role of whistle-blowers, checking and balancing the power of government, the respondents did not express much confidence in their ability to influence government decisions. Namely, 40,8% of the respondents said that opposition parties cannot influence government decisions at all, 26,8% expressed the same opinion about the State Audit Office and 28,4% about the Ombudsman.



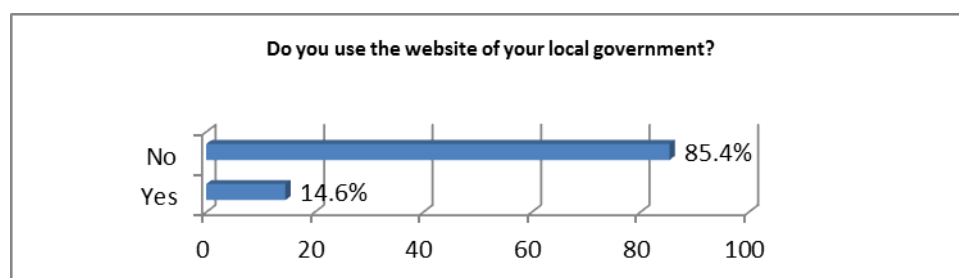
The largest proportion of respondents have no confidence that private media (38%), trade unions (44,1%), local government associations (34,1%), civic groups and non-governmental organizations (35,2%) and the Church (32,75%) have the capability to influence government decisions at all.

This is however not the case with businesses, both domestic and foreign companies is perceived to have great persuading power with the Government in regard to policy making. The respondents have found that big international companies have great ability to influence the government decisions (42,8%) and significant ability is recognized in the capacity of domestic businessmen and bankers (25,5%).

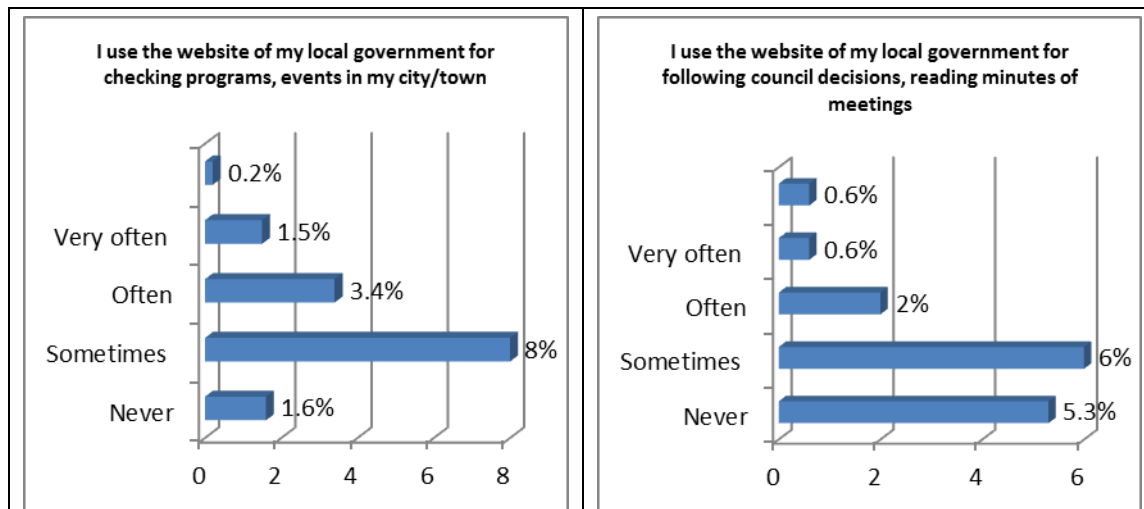


#### 4. Open data

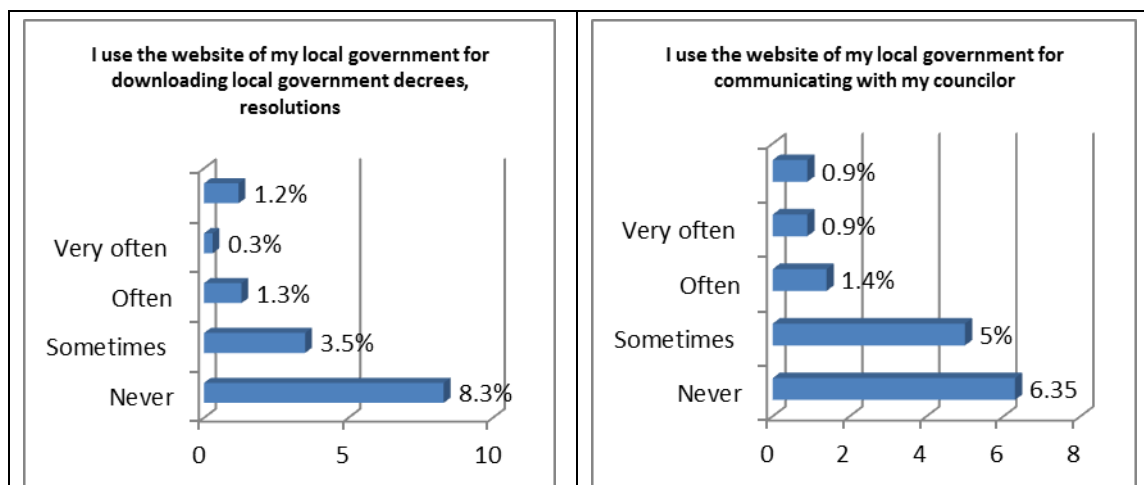
Since 2006 the penetration of internet is increasing slowly in Macedonia reaching over 51% in 2010. The use of computer was stimulated through several measures such as computer for each student in primary education and vouchers for owning your own computer after graduation for graduate students. The government changed its regulations to foster publication of information on web sites and mobilizing public service delivery. However, the survey data



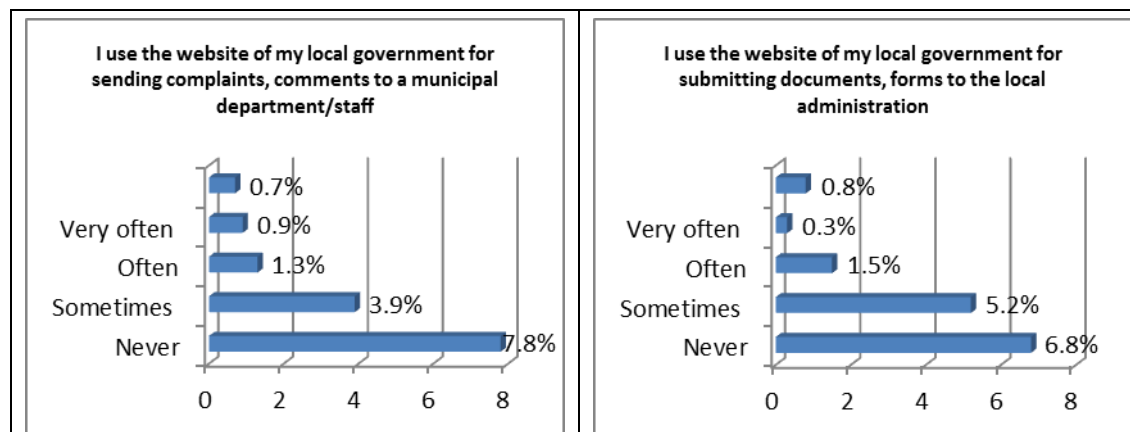
Less than 15% of the respondents reported that they use the website of their local government. 3,4% of these, reported that they often use the website for checking programs and events in their city/town. 8% said that they sometimes use the website for that purpose, while 1,5% said that they very often use the website to check the programs and events in their city/town. But even less, 6% of the respondents, reported that they sometimes and 2% often use the website of the local government to inform themselves about council decisions and reading minutes of meetings.



Very small number of citizens (3,5% of the respondents) sometimes, and 1,3% often use the website of the local government to download local government decrees and resolutions. The Macedonian local councillors rarely get emails and other messages and that is confirmed with the survey where only 5% of the respondents said they use the website sometimes, and 1,4% use it often for the purposes of communication with their councillor.



Using technology for holding local government accountable is also very rare as 3,9% of the respondents use the website of the local government sometimes, and 1,3% use it often for sending complaints to municipal department/staff. For the purpose of active citizenship (sending documents, proposals and forms to the local administration) only 5,2% respondents reported they sometimes use the local government website, while 1,5% do this often.



## V. CONCLUSIONS

Macedonia has been one of the pioneers in the Western Balkan region to join the Open Government Initiative, make commitments and adopt an action plan for achieving the OGP goals. The Macedonian action plan for open government enlists 9 OGP goals: participatory policy making; open data; improvement of electronic services and procedures; freedom of information; stimulation of scientific and research activities through open data; combating corruption and adoption of good governance principles; efficient management of public services; open data on local level and customer protection of citizens and service users. The institution made responsible for coordination and monitoring of the achievements under the OGP framework is the MISPA, who appointed a state advisor as a focal point for Open Government. To assist the implementation MISPA developed a web site which includes all relevant information related to the Macedonian commitments to the OGP Initiative as well as a single access point to open data where all information gathered by ministries and other government bodies are presented in electronic format.

The mapping report above shows that the approach of the Macedonian government towards transparency and participation is rather advanced. Legislative changes and procedures have been set to make the work of the government more visible and the inclusion of citizens in policy making more operational. However, the awareness of citizens on such actions of the government seem rather low, as the survey to open government data show most of the citizens do not support openness of government and are rather distrustful that they (as individual citizens or organized in groups of civil society organization, interest groups and similar) can have little influence on policy making. The perceptions are rather different when it comes to businesses which are believed to have strong influence on government.

Further on the mapping report shows that the government made little efforts to increase accountability apart from the procedures and mechanisms set to hold government accountable such as the State Audit Office, the oversight hearings in Parliament and the disciplinary and complaints mechanisms promoted at service provision level. The open government survey

also demonstrated that citizens remain unaware of these mechanisms, do not use them and what is more distrust them of being effective corrector of government deeds. The independent institutions which have a whistle blowers role, including civil society and the media are also perceived as not successful in holding government accountable.

Open data is another area where OGP has its focus. With the appointment of MISPA to be a focal point for the open government initiative it was expected that most of the attention will be given to use of technology in improvement of good governance. Therefore, it was less of a surprise that the OGP plan had four of nine objectives related to open data and use of technology. However the survey to open government shows that although Macedonians increasingly use internet they do not use it for utilization of public services, to be informed on the work of the (local) government, neither to hold (local) government accountable nor communicate with their councillors.

Finally one may conclude that there is a considerable political commitment to open government in the Republic of Macedonia and that is demonstrated through a detailed action plan and a clear line of coordination of open government efforts on central and local level. The citizens perceptions are however somewhat different to what the Government has committed to and is working on. As the citizens are an important actors in the good governance reforms the Macedonian government needs to put additional efforts as to decrease the gap between what citizens expect and what they can actually do (help) make government more open in Republic of Macedonia.