

## REPORT ROUND TABLE



**TOPIC: Open Government Partnership – improving the drafting process of the Action Plan for more efficient measures**

**VENUE: EU Info Center (St. Ss. Cyril and Methodius 52 – V, 1000 Skopje)**

**DATE: 29 February 2016**

The Center for Research and Policy Making (CRPM) within the project “Advocacy for Open Government: Civil Society Agenda-setting and Monitoring of Country Action Plans” financed by the European Union held a round table entitled Improving the drafting process of the OGP Action Plan for more efficient measures. The event was supported by the British Embassy in Skopje.

Civil society organizations (CSOs), during the round table, presented their research recommendations and experiences. Misha Popovikj from the Institute for Democracy Societas Civilis, Darko Antikj from the Association for Emancipation, Solidarity and Equality of Women, Borjan Gjuzelov from the Macedonian Center for International Cooperation (MCMS) and Qendresa Sulejmani from the Center for Research and Policy Making (CRPM). After the speakers presented their recommendations and experiences, the other participants joined the discussion.

Misha Popovikj from the Institute for Democracy Societas Civilis spoke about the need to include the trade unions and have more innovative ideas while drafting the new Action Plan (AP). The key element in OGP is improving the approach to open data during the process of corruption monitoring. The new AP



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should identify new measures in the area of good governance and fight against corruption. These measures should be tools for the CSOs to avoid wasting time on searching for data, which should be open, and instead dedicate its resources on doing analysis. As an instance for this was mentioned the procedure for obtaining data for public procurement. Therefore, it is necessary to set up a free ownership registrar, whose main purpose will be to determine the identity of the enterprises owners. Additionally, there should be registrar for political party donors (such as citizens and companies) and it shall be constantly monitored. The purpose of this measure is to determine the relationship between donors of political parties and their entrepreneurial status. However, in order to be successfully carried out, the State Commission for Preventing Corruption should be involved and they should prosecute the cases which raise a red flag.

Marija Risteska from CRPM added that it is a well-established practice in many countries to have access to open contracting, i.e. to access to both the procurement as well as implementation procedure.

In his analysis, Darko Antikj from ESE focused on the challenges their organization faced during the implementation of the measures from the second AP, namely *freedom of information and fiscal transparency*. Therefore, he stressed the growing need to expand the cooperation between state institutions, on the one hand, and the business community, CSOs and citizens, on the other hand. In order to achieve this goal, one needs to use all tools at their disposal to facilitate this process. Furthermore, while drafting its budget the Government should strive to provide sufficient means to implement the measures arising from the AP. Other things that should be taken into account is to avoid copying of the measures from one ministry department plans to another AP, which was the practice in 2011. Another thing that should be accounted for is that the areas where ESE was an active implementing party, only 19 per cent of the envisaged measures were implemented, and large majority in the last quarter of the first year. Thus, it is of absolute necessity to enable an environment whereby the government shall create mechanisms on measures implementations, whilst the CSOs will blindly follow it without remarks or contributions. This should encourage the cooperation and coordination between CSOs and state institutions. Last but not least, Antikj said that the cooperation and coordination between CSOs can be achieved through more frequent meetings and working groups. Simultaneously, the state institutions shall provide timely information to CSOs, instead of the existing practices where the CSOs were informed couple of days prior to the deadline, and had only a day or two at their disposal for a reply.

In this regard, Marija Risteska complemented his analysis and stated that, what is required is to change the framework for adopting the AP. Instead of the existing model CSOs should to push for a new model which shall use the allotted time to its maximum, and not waste 5-6 months from July until December, when the Government adopts its budget.

Borjan Gjuzelov's from MCMS analysis focused on the area of participatory policy making. MCMS was an active implementing party within its project "Mirror of the Government." With regard to this project MCMS is drafting weekly, monthly and quarterly reports. The focus of the reports is ENER, i.e. to what extent is the government using this tool to publish law amendments. In order to improve the existing situation, it is required to have good cooperation and political will, because as he noted the Ministries are not inclined to publish their law amendments. As an instance, he mentioned the case of the Ministry of Education. The Ministry was one the few that published their amendments, however, always after the deadline. This placed them in the category with most concessions. Even though, compared to other Ministries, they published the most amendments, they still failed to keep the

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deadline. From 700 laws enacted in the monitoring period, only 136 were published on ENER or around 20 per cent. This was one of the problems with the methodology they applied. Hence the question arises, how we can discuss about participatory policy making and OGP, when even the state institutions are not respecting their contracting obligations – such as publishing on ENER. Finally, the main problem, apart from the aforementioned, was the summary procedure to adopt laws. This procedure does not stipulate that they should publish them on ENER, however, it should be their responsibilities in regard to open government.

Qendresa Sulejmani from CRPM discussed about the need to adopt measures and recommendations, which are consistent and sustainable. Therefore, a useful tool would be to organize *webinars*. This tool shall be of the greatest benefit for the working groups, such as regional groups for openness of local government. Additionally, the groups could be also active on the social networks and share ideas and recommendations. This approach could re-define the role of the working groups, and now they can serve as labs for drafting measures, whose potential can be used to its fullest extent. These measures could be more measurable, whilst improving the screening process of the government. Furthermore, the competent state institutions can set up an Intersectoral Commission, whose responsibility is to monitor the recommended measures. All of this can be achieved by establishing long-term horizontal and vertical cooperation through bottom-up initiatives and policies.

The workshop discussion that arose after the presentation of the CSOs findings emphasized the need to create more precise measures and shall improve the cooperation with the state institutions. The participants once again accentuated the need to set up a central registrar for public procurement, which so far was not part of any AP, and it is a well-established and functioning practice from other countries. Its establishment is necessary to open up the process towards the business community. However, the measures proposed in the new AP should be more realistic, feasible and sustainable, which will facilitate the monitoring role of the CSOs. Another thorny point in the discussion was whether there should be more comprehensive coverage of CSOs or it should be limited to the CSOs that can only provide specific measures. Nonetheless, having regard for the sensitivity of the topic, the need to have a comprehensive coverage arose and several reasons for it were stated.



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