

Public Participation: “Government of the people, by the people, for the people”

Policy Brief Nr. 36

Skopje, Macedonia
December, 2015

This policy brief is part of the project:



Published by:

Center for Research and Policy Making

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Printed in:

MagnaSken

December, 2015

Skopje, Macedonia

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The British Embassy in Skopje has co-funded the preparation of this publication, within the EU-funded project Advocacy for Open Government: Civil Society Agenda Setting and Monitoring of County Action Plans. The content of this publication does not necessarily reflect the position or the opinions of the British Embassy in Skopje and the European Union.

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Abbreviations

CRPM	Center for Research and Policy Making
Codex	Codex of Good Practices for the Participation of the Civil Society in the Process of Policy Making
CSO	Civil Society Organization
ENER	Single National Electronic Register of Regulations
GONGO	Government Owned Non-governmental Organization
OGP	Open Government Partnership
MCIC	Macedonian Center for International Cooperation
MIOA	Ministry of Information Society and Administration
RIA	Regulatory Impact Assessment

1. Introduction

Public participation is a fundamental pillar of good governance, not only because it gives voice to the people for issues that affect them and decisions that are made in their name, but also because it contributes to maximizing the quality and effectiveness of policies. A genuine engagement of citizens in policy making also raises public trust in institutions and their decisions by giving the public a sense of ownership. It is important to emphasize that the intention to engage citizens in decision-making needs to be sincere because the whole process is useless unless suggestions and recommendations are to be considered carefully and the public convinced that they can make an impact. On the contrary, it may even have adverse effects by lowering public trust in institutions. Hence, when analyzing public participation in policy-making it is crucial to look at how the process is carried out, not only whether or not it is conducted.

Many civil society organizations (CSO) in Macedonia have made a positive impact in improving public engagement in policy-making by working side-by-side with government institutions, as well as criticizing them, about why and how institutions need to conduct their consultations with CSOs and citizens. Participatory policies are the most profound basis for the creation of an enabling environment for CSOs, especially think tanks, to give meaning to their work – and this explains why participation, as a pillar of good governance, occupies such a crucial place in the work of CSOs in the country. Public participation in policy making has also gained significant importance among institutions as well as CSOs with the membership of Macedonia in the global initiative Open Government Partnership (OGP).

This initiative is founded on the idea of cooperation between civil society and government and means that bring governance closer to the citizen. Through the OGP national action plans civil society and senior civil servants from central government institutions have come to cooperate closely in a systematized way by arranging for each commitment of the action plan to be implemented by inter-sector working groups. Engagement of the public in decision-making is also a significant commitment within both action plans of OGP created so far. Indeed, OGP action plans are not the only strategic documents in which the Macedonian government commits toward closer engagement of the public in policy-making as well as better cooperation with the civil society.

There are good practices by the central government institutions in Macedonia how they consult the public about decisions they are to make, yet there are also significant challenges that vary from failure to consult the public to remarks about procedural issues that practically reduce the possibilities of the public to influence policies. Some of the protests that marked 2015 for Macedonian citizens are directly related to public discontent with the preparatory stage of certain legislation.

In the following chapters, this paper provides a situation analysis of the legislative framework and the practices of public engagement in decision-making in the central government institutions in Macedonia, also paying special attention to public perception and opinion based on a survey conducted by the Center for Research and Policy Making in September 2015. It will conclude with a set of recommendations about how central level institutions can improve the engagement of the public in

policy making processes. This paper is the second of the set of three policy briefs that focus on topics pertinent to important pillars of good governance. It is also a result of the commitment of CRPM in the 2014-16 OGP national action plan to analyze the challenges of public participation in policy making and how they can improve. Consequently, this paper also pays special attention to the OGP-related activities in the country that are relevant for public participation in policy making.

2. Situation Analysis

The legislative basis that regulates the work of government institutions as well as strategic documents adopted by the government show a commitment and consideration for engagement of civil society in policy-making. As noted in the first policy brief of this series, the government has not adopted any standards about what information institutions need to release on their websites, but when it comes to public participation in policy-making, there is a wide array of strategic and legislative documents that regulate and guide central level institutions on how they should engage the interested parties in decision making procedures. The main documents for this cause are the two consecutive Strategies for the Cooperation of the Government with Civil Society (2007-2011 and 2012-2017). The Strategy for 2012-2017 was supposed to be implemented through two action plans for periods 2012-2014 and 2015-2017, however, the second one has not been adopted yet. Both strategies are in line with the national Strategy for the Integration of the Republic of Macedonia in the European Union and they relate the importance of public engagement in decision making with the integration process of the country.

The European Union has closely supported the drafting of the first Strategy for the Cooperation of the Government with the Civil Society (2007-2011) and works closely with the General Secretariat of the Government on building capacities of the Department for Cooperation with the CSOs. This department, established in 2004, is the main body responsible for overseeing and reporting on the progress of the strategies and the resulting action plans for the cooperation of the Government with the civil society. It also oversees the implementation of the Codex of Good Practices for the Participation of the Civil Society in the Process of Policy-Making (2011) (Codex) and is responsible for reporting on the progress of its implementation by central level institutions once in two years. For the purpose of this report the Department for Cooperation with CSOs surveys central level institutions through a questionnaire which serves for the analysis of progress. The last report, released in August 2015, states that the Department for Cooperation with CSOs has received responses back from fifteen institutions, compared to 2013 when only eight institutions responded.¹ Neither of the reports specify to how many institutions the questionnaire had been sent to. The Codex gives broad instructions about how government institutions can and should engage civil society in decision making for procedures initiated by the institution itself

¹*Information for the Implementation of the Codex of Good Practices for the Participation of the Civil Sector in the Process of Policy Making*. Department for Cooperation with Nongovernmental organizations, General Secretariat. March 2013. Skopje; Information for the progress of activities regarding the realization of the Project: "Cooperation of the Government with the Civil Sector". General Secretariat, August 2015. Skopje.

and also how civil society can propose new policy or policy changes to the institutions. It is intended for the Department for Cooperation with CSOs to take the central role as a mediator between the civil society and government institutions regarding cooperation on policies as well as grant opportunities provided by the government for civil society. The Department for Cooperation with CSOs carries out many of the suggestions as prescribed in the Codex. For instance, it makes public all suggestions and recommendations of CSOs for government institutions on its websites (if the CSO does not object) and is also obliged to provide an answer from the institution within 30 days and show it on its website as well. This mediation role that the Department for Cooperation with CSOs plays is especially important for the collection of suggestions from the civil society about the Program for the Work of the Government of the Republic of Macedonia. It received seven recommendations for the Program of 2015.² This Department also publicizes calls for public consultations for all ministries when they communicate it with the Department. There may be a gradual improvement in the volume of information that government bodies share on www.nvosorabotka.gov.mk website, but it is still insufficient. There is potential that the website of the Department for Cooperation with CSOs becomes the main reference point and engine behind the cooperation of civil society and government, yet it requires fundamental reforms. Besides the consensus between all government bodies to use the website, it must also be made easier to navigate, it should survey the needs of CSOs, offer more opportunities for communication and interaction, more information and a more attractive design.

The Codex speaks of some important basic steps institutions need to undertake to be able to successfully engage civil society in consultations: as identifying stakeholders and providing them with all

For 2015, only five out of 15 ministries in total, have publicized a plan for RIA.

the relevant documents necessary to consider to be able to give useful suggestions and recommendations. It also calls on institutions to maintain websites that are easy to navigate and informative, to use the Single Electronic

National Register of Regulations (ENER) regularly and engage civil society in working groups.³ All institutions conduct consultations with civil society at some point and for some draft policies/laws. What sets the difference between them is at what stage of the preparation of the regulations they begin public consultations and how they carry them out until the end. CRPMs research shows that **neither of the ministries publish information about the working groups engaged in discussions about draft regulations, neither do they publish on their websites a plan for public discussions/consultations for the coming period to allow interested parties to prepare accordingly and submit quality recommendations and arguments during consultations.**⁴

²Report on the Implemented Measures and Activities from the Strategy for the Cooperation of the Government with the Civil Sector (2012-2017) in 2014. Department for Cooperation with Civil Society Organizations. The General Secretariat. February 2015. Skopje.

³Codex of Good Practices for the Participation of the Civil Sector in the Process of Policy Making. Official Gazette of RM, nr. 99 from 27.07.2011.

⁴Center for Research and Policy Making (2015), Index of Good Governance in Macedonia 2014. December 2015.

While the Codex gives only broad instructions (as does the Rulebook for the Work of the Government of the Republic of Macedonia), the Methodology for Regulatory Impact Assessment (RIA) leads stakeholders through more specific instructions and clearly calls for the initiation of consultations from the very inception phase of policy-making.⁵ By putting public consultations in the context of assessing the impact of a regulation this Methodology contributes to shaping an understanding that consultations in a way legitimize policies, ensure their effectuation and positive impact. For consultations to be initiated from the initial phase of policy making it is important that institutions release a plan for RIA beforehand. For 2015, only five out of 15 ministries in total, have publicized a plan for RIA, although all of them have nominated a coordinator for RIA and they have passed the relevant training for it.⁶ When the public is not engaged from the initial stages of the process of creating the policy, one of the major complaints of CSOs is that oftentimes, they have a very limited period of time in their disposal for comments, or consultations are carried out at a later stage that significantly limit the chances of the public to influence policies. From here follows the perception that consultations are conducted only pro forma – to meet the legislative obligation – with no sincere intention to take in consideration alternative suggestions.

To invalidate such perception, make the most of public consultations and maintain public trust in institutions, each government body must adopt documents with clear instructions about how they conduct consultations, also defining each stage of the process. **The 2014 survey of the Macedonian Center for International Cooperation (MCIS) shows that only 25% of ministries have so far adopted such documents.**⁷ Indeed, well-defined and structured consultation processes can maximize the usefulness of information gathered and the realistic option of the public to make policy impact. One very essential step in the consultation process, that is often ignored by Macedonian institutions and therefore has a discouraging impact on the public, is replying to stakeholders who have provided recommendations during the consultation period but their input has not been accepted. Indeed, in this case, receiving response from the relevant ministry is the only way a citizen can know whether her comment has been carelessly ignored or considered but declined due to sound reasons. This is likely one of the most persistent challenges of Macedonian ministries when referring to the process of public participation in policy making. Having tailor-made rulebooks for consultation processes in each institution could likely increase the rate of responses to comments received from the public by improving the strategies institutions use to target relevant stakeholders. The Handbook for Stakeholders: Consultations in the Process of Policy-Making in the Government of the Republic of Macedonia⁸ is an essential document that may serve as a guide to all ministries when preparing their rulebooks on how to engage the public in the policy making process.

⁵ Methodology for Regulatory Impact Assessment. Official Gazette of RM, nr. 107 from 30.07.2013.

⁶ Annual Plan for the Implementation of RIA for 2015. <https://ener.gov.mk/default.aspx?item=pvrclient> [Accessed on 15 November 2015].

⁷ Macedonian Center for International Cooperation (2014). *Mirror of the Government: Public Participation in the Processes of Preparation of Laws*. October 2014. Skopje.

⁸ Handbook for Stakeholders: Consultations in the Process of Policy-Making in the Government of the Republic of Macedonia. Government of the Republic of Macedonia. February 2014. Skopje.

There are numerous and quality regulations in the country that oblige and guide institutions through the procedures of engaging the public in policy making. Nevertheless, as generally in the field of good governance, the gap between legislation and implementation is the leading challenge. Despite the existence of a strong basis for participation, consultations are often overlooked as existing legislations are amended and new ones are adopted in shortened procedures – and when this happens, consultations and RIA are not carried out. According to the legislative procedure

the initiator of a law proposal can suggest to the Assembly to review the law proposal reducing the timeframe when: it is not the case of complex and extensive law; the law or some provisions of a law cease, or when it is not the case of complex and extensive harmonization of the law with the legislation of the European Union.⁹

A shortened procedure was applied for one of the legislative reforms that caused furious protests in Skopje, and proved that the laws were far from ‘less complex and extensive’. Five laws were amended by the Macedonian Parliament in a shortened procedure in July 2014, which among other changes, obliged honoraria paid workers to pay social benefits. As the number of honoraria workers (for whom this temporary contracting is the only source of income and is usually minimal) is quite large it caused furious reactions in the general public which were manifested with protests. The protests did not manage to prevent the law to be enforced from the planned date (1 January, 2015). Consultations were initiated while protests were ongoing and there were legislative amendments in February 2015 that set thresholds preventing the most vulnerable cases to be affected adversely by the additional taxation. In the meantime the Pension and Disability Fund as well as the Public Revenue Office released instructions about the procedures how the taxes would be paid. All these efforts of institutions to make the reform work proved to be in vain as in July there was a notification that the disputed legal changes will be abolished from August 2015. The Macedonian Parliament has a reputation for using the shortened procedure far more often than is healthy for the democratic culture in the country, and so certainly impacts the general public perception that public opinion is not heard. Consequences are not always

Only 25% of the ministries have adopted documents that explain the procedures for citizen engagement in policy making.

dramatic and neither is there organized public reactions to all the legislations for which the shortened procedure is applied. However, this situation certainly implies that the quality of legislation can only be improved

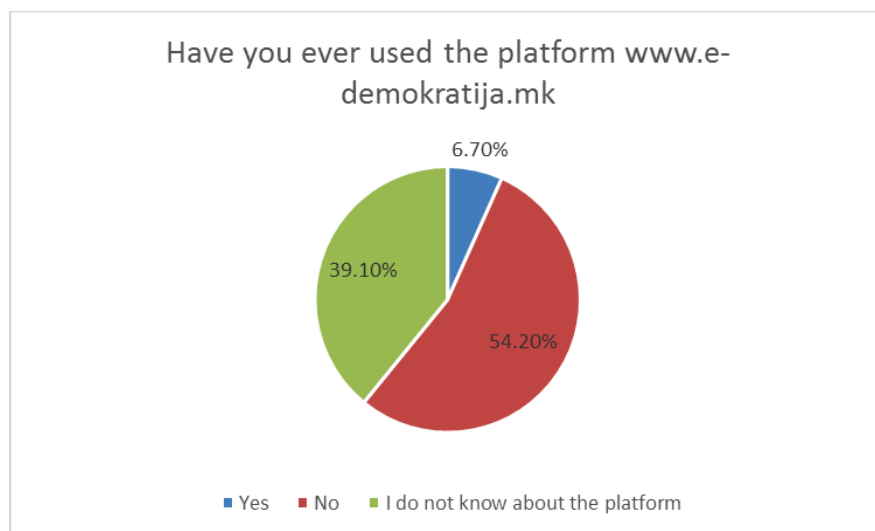
by consultations and also suggests the significance of engaging the public in consultations from the very inception of the idea for a new law (in the process of conducting needs assessment and feasibility studies). Additionally, consultations from early stages certainly prevent the need to abolish recently adopted laws and saves institutions from efforts to retrospectively make unpopular regulations work.

On the other hand, while CSOs and the European Commission Progress Report point out the weakness of the administration and its inefficiency in managing well the consultation process, the Government

⁹Legislative Procedure. The Parliament of the Republic of Macedonia.

also states that the civil society suffers from the same problems. The Strategy for the Cooperation of the Government with Civil Society (2012-2017) specifies that human resources are among the main problems of the civil society in Macedonia. The government does not see CSOs as a source of expertise and knowledge, therefore, hesitates to engage them closely in the law-making process. It rather prefers to hire consultancy companies or academics. Offering the option to engage in policy-making to the wider public, who may not necessarily be associated and may well be academics or other professionals, certainly provides a solution to this perceived problem by the government. This issue is discussed in more detail in the next chapter. Due to this assessment, the Strategy reports that the government aims to increase the capacities of the civil society as well as its sustainability by improving cooperation and by trying to continuously increase funding to civil society. Data from 2014 suggest that 50% of ministries offer financial assistance to civil society in some way.¹⁰ Yet there is great public distrust about funding provided by ministries for civil society. The general perception is that they go to so called GONGOs (Government-owned Non-governmental Organizations) without a fair competition and do not generate any public good.

2.1. E-Consultation: Wider Coverage Lower Participation



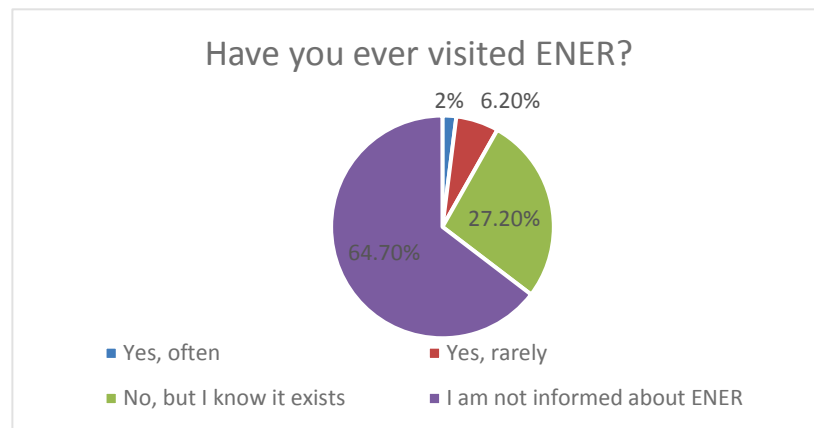
Websites www.ener.gov.mk and www.e-demokratija.mk are two of the ICT tools the Macedonian government is using with the intention to improve public dialogue and consultations. Both websites carry significant public value and there are continuous efforts to improve their functions as well as to increase their use.

E-demokratija is a web-portal that allows discussion, forums, blogs as well as sharing documents between government institutions, citizens and CSOs. Despite the numerous opportunities it provides for the public to voice concerns and make initiative, very few know it exists and even fewer people use it. When asked whether they have used the www.e-demokratija.mk web-portal, 39.1% of the respondents said they did not know about the portal and 54.2% said they have never used it. There is need for intensified efforts to raise awareness about the existence of this tool.

¹⁰ Macedonian Center for International Cooperation (2014). Mirror of the Government: Public Participation in the Processes of Preparation of Laws. Annual Report. October 2014. Skopje.

At the same time, it also seems as if www.e-demokratija.mk and www.nvosorabotka.gov.mk were to join into one website, the space for public discussions and cooperation with the government would not be dispersed in several locations, and in this way it may be easier to raise awareness about its existence and functions.

ENER, on the other hand, is the master-project of the Macedonian government regarding formal and structured public consultations, initially launched in 2009. It is the platform where institutions post their RIA plans and draft legislations, and registered users can comment on them.



Institutions are obliged to reply to the collected comments. ENER is considered as the most innovative mean of consultation in the country due to the resources it saves institutions and also because it eliminates the problem of geographic distance. Citizens from all around the country can give their input equally. There have been constant efforts to improve its functions as well as use by civil

In the first three quarters of 2015, 168 draft laws have been posted on ener, a total of 44 comments have been given by the public and only 2 of them have been replied to by the relevant government body.

servants. These efforts have proven fruitful as the number of draft-legislation posted on ENER and the regular update of their status has improved significantly. Most of the technical reforms that the software went through are also measures in the priority 'participatory policymaking' of the OGP action plan 2014-2016. As mentioned earlier in the text, the biggest weakness of the

consultation processes carried out by the Macedonian government so far is lack of feedback once recommendations and suggestions have been collected. Summing up the results of the three quarterly reports for 2015 from the 'Mirror of Government' project shows that of the **168 draft-laws posted on ENER, a total of 44 comments have been given by the public and only 2 of them have been replied to by the relevant government bodies.**¹¹

On the other hand, public awareness and use of ENER, as well as of e-demokratija is very weak. About 90% of the population does not use ENER -- even citizens who know about its existence. Previously, the problem had been that ENER did not allow the option to subscribe for updates in certain fields, but now it is possible and registered users receive updates when a draft-regulation from their fields of interest is posted for consultation. Part of the explanation for the limited use of ENER is the low awareness as well

¹¹ Macedonian Center for International Cooperation (2014). Mirror of the Government: Public Participation in the Processes of Preparation of Laws. Quarterly Reports: nr. 5 (1 January – 31 March 2015); nr.6 (1 April – 30 June 2015); nr. 7 (1 July – 30 September 2015).

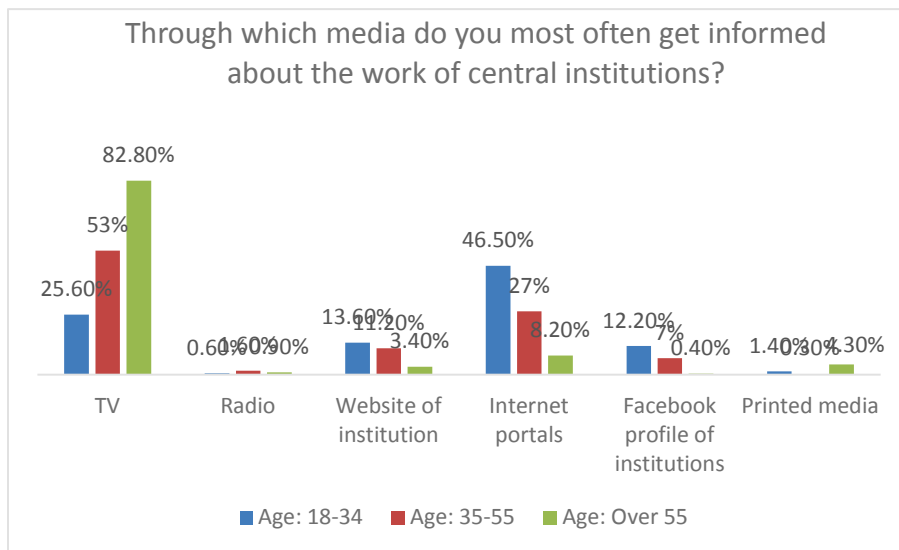
as, for a large group of citizens over 50 years of age, lack of knowledge about how to use the platform. Although ENER is considered by many advocates of public consultations as an excellent tool for engagement of the public, it has still not become popular among the general public in Macedonia. Indeed, what is good about ENER, e-demokratija and similar platforms is that they give equal access to representatives of CSOs and private citizens who are not necessarily associated in an organization and not necessarily less informed to give their contribution should they be interested to, because if consultations were to be conducted by invitation, unassociated citizens would be discriminated from the opportunity.

However, it should not be expected that the platform will be widely used even as more people learn about it. The average citizen, even if directly affected by the regulation is not very likely to offer policy recommendations once the issue has taken the shape of draft-regulation. She may be more willing to participate in discussions and needs-assessment studies prior to the drafting of the regulation or in discussions where its wording would be simplified and its implications explained – rather than comment on draft-regulations.

The awareness raising activities about the use of ENER and e-demokratija should focus mainly among professional circles and CSOs because they may be more interested to use such platforms in their advocacy efforts.

2.2. Other Forms of Consultations

Much of the success of public consultations depends on the tools and methods used to carry them out. Appropriate methods need to be defined depending on type and field of policy it tackles, because one-size-fits-all is never the right way to approach public consultations. While some policies may benefit more from closer consultations with professional and expert communities others need to focus on the general public directly affected by the proposed policy. If the primary targeted group for a consultation is the general public, institutions need to carefully come up with the appropriate means to reach them. If the call for consultation is out in the open only and it is not addressed to a specific stakeholder community it has not reached its goal. Some ministries have contact lists of professionals and organizations that work in the same broad field as them and invite them for consultation. For instance the Ministry of Environment and Physical Planning has a good practice of allowing new experts to register in the Ministry's list of contacts, so in a way the list can constantly be updated. However, even having contact lists of professionals and organizations that work in the same field relevant to the work of the ministry is not a guarantee that all the relevant stakeholders are targeted for each new policy/regulation that is being drafted. The question of relevant stakeholders needs to be reviewed for every new policy/legislation that is to be adopted and there must always be a plan about how to reach citizens who do not act in associations.



There are general complaints and disappointments that although excellent tools for consultations exist public awareness and engagement is rather low. From the way things are done it is suggested that unassociated citizens are not the primary target. The CRPM field survey (2015) shows that citizens do not often visit websites of central level institutions to get informed about their

activities, rather prefer television (47.2%), internet portals (31.6%) and Facebook profile of institutions (7.9%), hence, efforts to engage them should focus on where impact can be made. It is the responsibility of institutions to reach out to the public and they must find a way to make use of social media for consultation purposes as they are already used in the United States and western European states. Live streaming of consultations, live tweets and similar forms of consultation that bring the process closer to the citizen, and especially at the very early stages of developing the ideas, must be encouraged by the government.

89.2% of the population have never attended consultation sessions and 64.7% of them do not want to be informed about open consultation processes.

It must be recognized that the Macedonian society is generally a closed one, with little expectation that institutions will be transparent and accountable to them, and much less so that they will engage them in policy making processes. The cause for this kind of collective behavior is usually sought in the socialist experience of the country, however, the inefficient as well as unsuccessful efforts to engage them by the governments that have followed since also carry much of the blame. As the earlier charts about ENER and e-demokratija show, Macedonian citizens are reluctant to use tools that allow them to contribute toward the making of public policies. Another question in the CRPM opinion poll ('have you ever participated in consultations in central level institutions?') also confirms that Macedonian citizens do not attend consultation sessions as 89.2% of the respondents responded negatively. Not participating in consultations at the institutions can mean disinterest or low awareness but, unlike with ENER and e-demokratija, it can also mean that no consultation meetings have been held. However, what strikes as a surprise is that 64.7% of the respondents also say they would not even want to be informed when consultations are ongoing about certain policies. As has been pointed out earlier in the text, unassociated citizens are more likely to participate as subjects in need-assessment studies rather than comment on the content of a draft law. It

may be that the technical language (or other technical aspects) in which draft regulations are presented to the public alienates them, seeming too hard to understand or to recommend anything in the same structure. Another explanation may be distrust in institutions and disbelief that they can make an impact in these consultations, fearing that this can only be a waste of their precious time. This situation suggests that institutions must invest in their public relations and gain the interest of the public to cooperate. It is the obligation of institutions to reach out to the public, hence if existing methods do not prove fruitful it is up to them again to come up with innovative solutions to ensuring they have public feedback for regulations that affect them directly.

3. Is OGP Contributing toward More Participation in Policy Making?

Macedonia's membership in OGP must be seen as a policy of the country toward greater participation, transparency and accountability since the core value of the initiative is, indeed, closer engagement of the people in governance. Hence, the first priority of the action plan 'participatory policy-making' takes an important place in the content of the action plan as well as in the way it was drafted and implemented. Through the EU funded 'Advocacy for Open Government: civil society agenda setting and monitoring of country action plans' project, the Center for Research and Policy Making assisted the government throughout the consultation process for the action plan by ensuring greater engagement of civil society organizations.

The last consultation meeting was completely organized by CRPM and sitting arrangements were made in a way that participants (from the civil society and government institutions) would bring forth their contribution by working in working groups. The meeting proved very successful and the same format of work was maintained by the government for the implementation process, later on. The working groups with all the members that had volunteered to join them, were made official with a decision signed by the Minister of MIOA. As the table below shows, civil society organizations are also active members of the working group and implementing parties of commitments they have made for the OGP action plan 2014-2016. The consultations lasted for around three months.

The challenge of this priority (and the whole action plan) with the approach of the government and civil society toward OGP is its lack of originality. Most measures are preexisting from other strategic documents of the government or foreseen activities in ongoing projects of the CSOs. The main reason for this approach is that it is a way of ensuring that measures will be completed as they already have planned budgeting. Because the period for drafting the new action plan for OGP does not coincide with the period when the budget for the upcoming financial year is put together, duplicating existing measures has been used as a solution.

Although the above-mentioned reason hinders the action plan from being very innovative, as OGP action plans are expected to be, it provides a just representation of the most important efforts of the country to improve public participation in policy making for a period of two years 2014-2016.

Participatory policy-making	
Measure	Level of completion
1. Enhancement of the ENER portal and optimization of the process of public consultation	Completed
2. Strengthening the rules for work and use of ENER	Completed
3. Publication of the results of using ENER - " Mirror of the Government "	Completed
4. Monitoring of openness of government institutions in the processes of policy making and law drafting "Mirror of the Government: public participation in the process of law drafting "	Completed
5. Capacity building of civil society organizations to monitor the implementation of policies	Completed
6. Raising the awareness about the benefits of Open Government Partnership	Ongoing
7. Greater public awareness and use of participatory policy making through the internet portal e-democracy by the institutions, companies, chambers, civil society and citizens	Ongoing
8. Establishing of an advisory body to promote cooperation, dialogue and encourage the development of the civil society, composed of representatives of the Government, administrative bodies and civil society organizations	Ongoing
9. Improved implementation of the Code of Good Practice for the participation of civil society in the policy making process	Completed
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	Ongoing

The fact that four of the ten measures of this priority focus on ENER as a tool of participatory policy making (and two of them come from the civil society) shows that it is given great significance by both sectors alike. Measure one is a commitment to improve the technical aspects of ENER that were seen as obstacles for a more efficient use of the platform. The preparations for these reforms were ongoing even during the consultation period for the OGP action plan 2014-2016 and the launching of the new ENER occurred in December 2014. One important change that was introduced is the automatic posting of comments (as previously the administrators of the platform had to approve and allow it to show) hand in hand with a counter for each draft-regulation which shows the remaining time for comments so that people do not comment in vain after the end of the consultation period as there had been such cases before. The registration procedure has been simplified and there is only one type of public user now, as opposed to four different ones prior to the changes. Likely the most influential reform that raises the use and impact of ENER is its integration with the e-government software so as not to allow draft-regulations that have not previously been posted on ENER to be reviewed and processed in government meetings. As there are growing efforts to improve and increase the use of ENER the

government has also adopted specific rules about the stages and procedures of using ENER. Public users also have to agree to terms and conditions as they register for an account.

Measure 3 and 4 are also related to ENER but are under the responsibility of MCIC, a CSO running the main monitoring and support project about ENER in the country. As part of this project, 'Mirror of the Government', weekly, monthly and quarterly reports are prepared analyzing the performance of institutions regarding the use of ENER – whether institutions respect the 10 days minimum days of consultation, whether they reply to comments left by public users, etc. The findings from these reports are also shared on ENER. Measure 4 is MCIC's annual analysis which is based on data collected by monitoring the use of ENER as well as questionnaires disseminated to all the ministries of the Macedonian government about their practices of public engagement.

CRPM is responsible for the implementation of three measures of the 'Participatory policy-making' priority of the action plan. Measure 5 has been implemented at the local level. Through the engagement of seven CSOs from different regions of the country in monitoring the performances of 43 municipalities in the implementation of good governance policies – including policies for raising public participation in decision making – CRPM empowered them to monitor the work of municipalities and advocate for greater accountability. Measure 9 of the priority is the publication of this policy-brief where CRPM gives an analysis of the existing challenges for institutions to maintain the good practices recommended by the Codex and also provides recommendations on how public engagement in decision-making can be improved.

In measure 6 CRPM commits to raise awareness about the benefits of OGP and this it has done, and continues to do, in many ways. As for the current action plan 2014-2016 CRPM will assist the drafting of the next action plan 2016-2018 and will organize coalition building events where it raises awareness among the civil society about what the OGP initiative stands for and how they can contribute. It has also translated several chapters of the Open Government Guide to assist stakeholders in the process of drafting the 2016-2018 action plan. During the consultation period for the next action plan CRPM will provide small grants to CSOs for activities that further promote the values of OGP at the local level. On the other hand, in measure 7, the government commits to raising awareness about the use of e-democracy and ENER among the general public. According to official reports that measure is still not completed but a pamphlet is being prepared with information about the use of these tools for public engagement.

An important measure that has not been completed yet although it was due in 2015, and has made it as a negative remark in the Progress Report about Macedonia, is the establishment of the Council for Cooperation of Government and Civil Society. The midterm self-assessment report for the implementation of the OGP action plan 2014-2016 reports that the General Secretariat has held consultation meetings with CSO representatives in Bitola, Shtip and Skopje, but there are no more updates on its status. As an inter-sector body, this Council is expected to play an important role in strengthening the cooperation between both sectors.

Finally, the last commitment of this priority calls for the implementation of the national Strategy for the Cooperation of the Government with Civil Society Organizations 2012-2017. As has been noted earlier in this paper, the action plan for the implementation of this Strategy in the period 2015-2017 has not been adopted yet. Additionally, this measure is hardly an appropriate one because it is a commitment for the implementation of another strategic document of the government that has its own action plan.

All of the measures of this priority contribute in some way toward the enabling environment for greater engagement of the public in policy making, although they may not result with visible outcomes to directly show it. They improve the functions and raise awareness about ENER and e-demokratija, raise capacities of CSOs and monitor performances of institutions. The only implemented measure from this priority that actually produced a concrete outcome of public engagement of policy making is measure 6 which gathers and coordinates CSOs to cooperate and draft the OGP action plan. This measure as all others put a greater focus on bringing closer the government and CSOs and, indeed, neither of the measures present innovative efforts to engage citizens (unassociated with organizations, but not necessarily less informed or affected by the actions of the government). The justification for focusing on the CSOs can be that many CSOs in the country perform activities that can be very useful by complementing the activities of the government. They are certainly easier to work with and likely more interested to cooperate. However, these organizations are very rarely grassroots and membership based. Hence, institutions should always aim for initiatives that will bring people closer to them without the mediation of organizations.

4. Conclusion

Public participation in decision making is a fundamental pillar of good governance, but it is neither attainable nor effective unless understood as part of a chain that goes hand in hand with the transparency and accountability of institutions. Citizens are unlikely to participate in decision making unless they trust institutions and believe that there is a realistic possibility for them to have an impact – and this can be achieved through transparent and accountable practices in institutions. Challenges that Macedonia faces in this chain of good governance are all together the cause of inefficient policies for public engagement as well as a cause of the disinterest of the citizens to participate. Public participation in policy-making is beneficial only if it is institutionalized and structured, regardless of what stage of the process of policy-making it occurs. There must be well-defined mechanisms about how to reach to the stakeholders, how to register their feedback and process it further. To illustrate, it is not a structured or institutional approach when the Prime Minister of the Republic visits communities and while still on site calls his ministers asking for some of the problems of the local community to be addressed.¹² This approach only deviates citizens from using official, institutional means to address their problems – reinforces the belief that official procedures are inefficient. After all this approach is discriminatory as it disregards all the ‘unfortunate’ citizens who have not had the chance to be visited by the Prime Minister. There must be clear instructions for all citizens and interested parties on how to bring up their concerns and suggestions, and guidelines for institutions how to process the feedback received from citizens so that public participation can serve the cause of good governance.

However, even when they are systematic and formalized, consultation processes and opportunities for the public to get engaged must not be confined to commenting on draft laws. It is unlikely that most citizens will ever make use of the opportunities to comment on draft legislation, although all of them are equally as influenced by the decisions of the government. Hence, it is important to approach citizens from the initial stages of shaping the idea for a new regulation, and to ensure wide media coverage of public discussions as the draft document is being created. Simultaneously, the focus must be put on improving the cooperation with CSOs. They would be highly beneficial to the process of policy-making, partly due to the experience they have and partly because they seem to have closer contact with the citizens and tend to survey their needs and opinions more often. There is general dissatisfaction about the approach of the government toward the civil sector and it has also received a negative remark in the Progress Report of the European Commission on Macedonia. The Report points out the failure to draft the 2015-2017 action plan for the implementation of the Strategy for the Cooperation of the Government with Civil Society Organizations and the delayed establishment of the Council for Cooperation of Government and Civil Society.¹³ Indeed, more focus should be put on improving practices rather than the strategic documents, considering the huge gap between regulations and their implementation in the country. Above all, it is important to point out that consultations must be sincere. Institutions must really mean to make use of the feedback gathered from the general public and

¹² Press release of the Government of the Republic of Macedonia. Gruevski in meetings with the residents of the Debar-Reka region. 28.08.2015.

¹³ EU Progress Report on Macedonia 2015.

specialized associations. Sincerity of the intention to consult is also tightly tied with raising trust in institutions. When stakeholders see they can make an impact they would be more interested to participate in the process.

Participatory policy making, consultation in specific, can be a very costly and time consuming procedure. That makes it twice as important that the approaches used are effective and generate useful feedback. Although, oftentimes these procedures may not prove very fruitful, it is never a good reason to overlook the general importance of participatory-policy making. Indeed, it is a significant pillar of democratic culture and good governance and instead of avoiding it, the government must continuously come up with innovative tools to reach out to the public. For instance, one challenge that requires innovative solutions, particularly when faced with the problem of high cost, is how to make consultation opportunities equally available to all citizens, regardless whether they live in the capital or in a region further away from it. The way in-person consultations are carried out in Macedonia gives CSOs acting in Skopje an advantage over the rest of the organizations and citizens in the country, and this is one of the main challenges of the existing procedures. However, even beyond procedures, the leading challenge of participatory policy-making worldwide is impact. There is no legal mean to enforce the recommendations of citizens and associations on the final decision of a government. Therefore, the efforts to improve cooperation between governments and CSOs play an important role in ensuring that, despite the nonexistence of legal obligations, there is mutual trust and willingness to enable stakeholders to influence government's decision making. OGP is the right initiative that seeks the commitment of the government and CSOs to partner up and work together toward the mutual goal of good governance. Macedonia faces many difficulties in the process of carrying out its OGP action plan, however, there is evident tendencies and willingness to improve performance. Hopefully, the good practice of cooperation between the government and CSOs in creating and implementing the OGP action plan will serve as a guide and encouragement for the government to expand this practice in all other regulations and policies it adopts.

5. Recommendations

■ To central government institutions:

- Create and regularly update a list of stakeholders to consult on different issues. Allow the option to join mailing lists and subscribe for newsletters/updates to improve communication and cooperation with interested citizens.
- Publish on their websites a plan for public consultations for the coming period to allow interested parties sufficient time to prepare for discussion.
- It is the responsibility of the institutions to reach the stakeholder/professional community for the matter which is to go on public consultation. Stakeholders and professional community must be contacted in a timely manner and informed about the timeframe so they have sufficient time to provide their contribution.
- Hand in hand with contact lists of stakeholders and ENER, institutions must be innovative and flexible about how to reach out to the public and engage them closely in deciding about crucial matters that influence them directly. Adapt consultation methods to issues at hand. Multiple types of consultation should be carried out at the same time to engage different stakeholders in the way most appropriate for each.
 - Social media as Twitter and Facebook must be introduced in the process as they are already widely used in the United States.
 - The general public should be closely consulted in the periods of conducting needs assessment and feasibility studies.
- Improve the interface of the www.nvosorabotka.gov.mk website to make it more useful for the purpose of interacting closely with civil society organizations. Browsing through should be made easier, it should allow subscribing for updates, the website should be updated continuously and contain a larger volume of information. It might be more effective if the websites www.nvosorabotka.gov.mk and www.e-demokratija.mk joint so information important for the general public and CSOs are more concentrated, to avoid replication as well as dispersion of information.
- Adopt internal rulebooks about consultation procedures which will guide senior civil servants on how to engage the public in decision making processes.
- All central government institutions and the Parliament should share on their websites information about ongoing consultations on ENER or in other formats.

- Make it as strict policy that all comments and recommendations received during the consultation period are responded to and a report on the consultation process and feedback received is also prepared.
- Central government institutions giving grants to CSOs need to be more transparent about the selection process and seek more accountability from the grantees during the implementation phase.
- Cooperate closely with the Department for Cooperation with CSOs and share with them more information which need to be communicated to CSOs through the website www.nvosorobotka.gov.mk. A guide about all information that institutions should share on this website (as well as one about what they must share in their own websites) would contribute greatly to institutional transparency and their efforts to engage the public in policy-making.
- As there are evident differences between institutions in how they organize consultations – some have officially adopted procedures and mechanisms for public engagement while others have not – it is important that institutions cooperate with one another, share experiences and good practices with the intention to approximate their institutional rules. In this way some institutions will improve practices and it would be easier for the public to follow procedures.

■ To CSOs

- CSOs should make use of the available mechanisms for participation in decision making, e.g. review and submit more recommendations for the Programme of the Work of the Government of Macedonia.
- Monitor the performance of institutions in how they engage the public in decision making as well as other principles of good governance and compare them by pointing out the good practices -- as a soft pressure that may encourage better performance.
- Aim to maximize monitoring of performance of institutions and use of evidence to support policy recommendations and advocacy activities.
- Act as a mediator between government and the general public by conducting needs assessment and opinion polls for different issues so as to voice the preferences of the public, back up own recommendations and support institutions in making informed decisions.
- Educate citizens about civic activism and participation in public awareness raising campaigns.

■ For the 2016-18 Action Plan on OGP

- Participatory procedures applied during the drafting and implementation of action plan need to be maintained and regularly improved so as to raise awareness and engagement in the process even more
 - To engage CSOs and citizens from regions further from the capital during the drafting of the action plan and this could be facilitated through tools like social media and online consultations. To engage them closely in the implementation process, institutions should offer live streaming of meetings and other more innovative tools.

IMPLEMENTING PARTNERS

