ANALYSIS

Working Groups and the Implementation of the OGP Action Plan in the First Quarter

Center for Research and Policy Making

Contents

List of Abbreviations

CCC	Center for Civil Communication
Commission PRFAIPC	Commission for Protection of the Right to Free Access Information of Public Character
CRPM	Center for Research and Policy Making
CSO	Civil Society Organization
SCPC	State Commission for Prevention of Corruption
ENER	Unique National Electronic Register of Regulations
ESE	Association for Emancipation, Solidarity and Equality of Women
FOSM	Foundation Open Society Macedonia
MCIC	Macedonian Center for International Cooperation
MISA	Ministry of Information Society and Administration
NAP	National Action Plan
OGP	Open Government Partnership
TI-M	Transparency International - Macedonia
USAID	United States Agency for International Development
WG	Working Group

1 INTRODUCTION

Republic of Macedonia is currently implementing the second national action plan (NAP) for Open Government Partnership (OGP) 2014-2016. Unlike the first NAP (2012-2014) which was adopted and carried out with little cooperation with civil society, the second one showed significant improvement in engaging the interested public closely. Interested citizens and organizations are involved from the initial phase of drafting to the process of implementing the second NAP (2014-2016) – through the Working Groups (WGs) that were created for that purpose.

The OGP NAP 2014-2016 has seven thematic priorities and the implementation of each one is overseen by a WG of representatives from public institutions and civil society. The WGs of the action plan are: (1) Participatory decision making; (2) Open Data; (3) Freedom of Information; (4) Combating Corruption and Promoting Good Governance Principles; (5) Fiscal Transparency; (6) Openness at Local Level; (7) Improved Services and Protection of Consumers and Citizens as Users of Services and Rights. The idea for these WGs was incepted at the consultative meeting organized by CRPM for drafting the NAP where participants were arranged in the same format. Civil society organizations (CSOs) which committed to implement measures of the NAP in that event were automatically invited to join the respective WG. WGs are coordinated by representatives of main state institutions responsible for overseeing the implementation of the respective priority.

As the WGs are a new construct for the implementation of the NAP, this paper observes the way WGs function and the degree to which they have implemented measures of the NAP (2014-2016) so far. This analysis is mainly informed by interviews conducted with six coordinators of the WGs and by their first round of quarterly reports submitted to the Ministry of Information Society and Administration (MISA). Interviews with the coordinators of WGs were held between 9 and 12 February 2015.

2 STRUCTURE AND COMPETENCES OF THE WORKING GROUPS

The model the Macedonian Government has adopted for the implementation of the NAP for OGP (2014-2016) highlights the collective ownership and equal role of representatives of CSOs and government institutions in the OGP processes in the country. The Government does not select and approve representatives of CSOs in the WGs, they rather join by expressing interest to be part of the process and to implement specific measures. In essence, this is what makes these groups open platforms to influence policies. The WGs promote participation, as a significant value of OGP, in practice. However, it is important to also look at the procedures of work and organization within the WGs to learn how (and how much) each member contributes toward the implementation of measures and whether the establishment of WGs aids the process.

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The initiative to create the WGs began in the summer 2014, however, due to delays of nominations by some CSOs which had previously made commitments to implement activities within the OGP NAP, the WGs were officially established only in February 6, 2015 with a document signed by the Minister of MISA. The final version of this document was issued after members participated in the first meetings of the groups (between December 2014 and January 2015), hence, confirmed their interest to contribute toward the OGP commitments of the country. This document names the members of WGs and specifies that each group is to submit quarterly reports on the implementation of measures under their respective thematic priority. Then, the national OGP coordinator compiles all of them into a joint report about the stage of implementation of the NAP for OGP and delivers it to the Government. Once approved by the Government it is publicized on the e-portal e-demokratija.mk. Besides the obligation to submit quarterly reports, no other requirements or procedures about the work of WGs are specified in the document that establishes them. It does not clearly define the role of WGs or prescribe a work system for them: they do not have a preset number of meetings to be held; a communication, coordination or monitoring strategy. At this stage of development of the WGs the interviews conducted with the coordinators of WGs provide useful information about how exactly WGs support and facilitate the implementation of the OGP Action Plan. Yet, considering that at the time the interviews were conducted WGs had held only one round of meetings, it is understandable why neither of the groups shows to have a well-established work strategy. However, a series of such papers starting with this one, hopefully, will manage to convey the gradual development of WGs and provide timely advice for improvement.

2.1 Communication and Meetings of WGs

The Working Groups consist of representatives of CSOs and officials from state institutions that wish to merge the outputs of their ongoing projects with the achievements of the country toward OGP or because they have the expertise to aid the OGP process and are confident they can find the necessary funding to implement particular relevant commitments. As will be explained below, most commitments of government institutions and CSOs in the OGP NAP are replications of activities already planned in their work programmes.

There is, indeed, insufficient use of technology and alternative means of communication between members (video conferences, live-streaming of meetings) while email communication remains the dominant form of communication between them.

The number of members per group ranges from 10 to 17, in average around 12 members per group. All coordinators say they are satisfied with the engagement of the members of the group as they all give significant input for the implementation of measures. CRPM members of WG 6 *Openness at Local Level,* express concern about the lack of resources to engage local CSO representatives from other municipalities (besides those from Skopje) in the meetings, whose role is paramount for this WG. Although with the support of CRPM many CSOs from the periphery of the country participated in the process of drafting the action plan, they cannot afford to travel regularly now for the WG meetings. Therefore, they remain in the electronic mailing list of the WG where they stay informed about activities of the group but have not physically attended the first group

meeting. There is, indeed, insufficient use of technology and alternative means of communication between members (video-conferences, live-streaming of meeting) while email communication remains the dominant form of communication between them.

Nevertheless, it is likely that there will only be few meetings of the WGs throughout the implementation of the action plan 2014-2016. By the second week of February 2015 coordinators had held only one meeting with their WGs. The purpose of these meetings had been to gather reports from members regarding their activities – information that the coordinators needed to compile their first quarterly reports to the MIOA. Coordinators insisted the importance of these meetings is mainly symbolic and coordinative as members are not dependent on one another for the implementation of their commitments and, generally, work independently or in subgroups. As the third part of the paper will explain, there is no measure on which all members of the WG work together. Hence, all interviewed group coordinators said that they would most likely meet again only after two months to get updated with the ongoing activities of the members and draft the next quarterly report. They highlighted that they prefer to maintain an informal ad-hoc form of communication with the members rather than a regular schedule for WG meetings. One of the coordinators says she has held only one meeting with all members in the group that she coordinates but several separate meetings with individual members for specific measures – therefore, the number of meetings of the WGs as a whole cannot determine the efficiency of implementing the measures. This explains that WGs as units serve mainly for coordination rather than executing the implementation of measures. However, WGs are still in the process of growing into consolidated units and as the frequency of their meetings rises, each is likely to develop its own operating rules gradually. However, as most of the implementation occurs outside the frames of the WGs let us look at what exactly is the role of the WG as a unit toward the realization of measures.

2.2 Planning and Monitoring of Implementation of Measures

The reporting role WGs are prescribed by the document that establishes them signifies that their function is mainly coordinative – a body where members discuss their own responsibilities and possible avenues for cooperation within the group. There is no enforcing mechanism that allows the coordinator to obligate members for certain activities related to the implementation of measures. The only administrative entitlement that distinguishes the coordinator from the rest of the members is the right to invite new members to join the WG when considering their participation significant for the work of the group. For instance, the coordinator of WG 6: Openness at Local Level, Eli Chakar, has asked representatives from the

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Commission for Protection of Personal Data and from the Commission for Protection of the Right for Free Access to Information of Public Character (Commission for PRFAIPC) to participate in the WG so as to advice

members on the specific issues they are specialized in. The participation of representatives from these two institutions is expected to ensure that the planned activities will not breach anyone's freedoms and rights. However, the WG coordinator cannot intervene in the implementation of the activities, especially if they are under the responsibility of members coming from the civil sector – due to the external funding with which CSOs implement their commitments.

The multiple sources that fund the activities of the OGP NAP are the main cause for the horizontal nature of the organization within WGs. There is no separate projection of the state budget for the implementation of the OGP NAP, neither is there such calculation within individual institutions and CSOs. In consequence, WG coordinators, too, do not have information about the total budget needed or available for the implementation of the measures in their thematic priority, nor do they know the details about what activities members will carry out to reach the final output. This is mainly the case with the activities of members from the civil sector, however, it also applies for many activities of the state institutions. The general practice so far is that all members responsible for implementing measures carry out their activities and report to the WG quarterly. *No regular and detailed monitoring of the implementation process goes on in the meanwhile, until the next quarterly report is due.*

According to one of the WG coordinators the reason for the lack of interference from the side of the coordinators on the budget and activities conducted by CSOs is that they already receive careful oversight about the quality of their work from their donors, hence additional monitoring would be abundant. On the other hand, another coordinator insists that the horizontal organization of WGs only confirms the mutual ownership of the initiative by all stakeholders, and any other form of management would be a deviation from the partnership that OGP calls for. Indeed, most coordinators were confident that the budget will not be an obstacle for the implementation of measures in their thematic priority as most measures were continuing activities since last year with secured funding from the state budget (although they have no information about how members from civil society will fund their activities). CRPM team members who participate in the WG of Oppenness at Local Level see the budgetary issues as the main obstacle for the work of this WG as most of its measures are new ones – and as such not planned in the state budget for the year.

The challenge comes from the way WGs understand the idea behind the OGP membership of the country. Most measures listed in the OGP NAP are existing activities of the Government which have secured funding from the state budget. They are commitments originally written in the plans of respective state institutions which have chosen to also present the same activity in the OGP NAP. This is the case with both OGP NAPs that Macedonia has adopted since its membership. This attitude shows that majority of stakeholders understand the OGP NAP as a document which will present commitments that the Government undertakes to achieve the principles that OGP promotes, meaning that they do not see it as a separate engagement that requires new, innovative measures. Similarly with the CSOs, they mainly commit to implement measures which are planned in their ongoing projects. Indeed, most commitments of the OGP NAP would have been implemented even if this NAP did not exist. Only few stakeholders see OGP NAP as a document that should introduce new efforts and this is exactly where the coordination of the funding becomes of utmost importance. Listing measures that do not have secured funding yet risks the failure to implement them and

this is exactly what has happened with WG 6 on Openness at Local Level. Thematic priority 6 contains measures for which there is no confirmed funding and the WG is still struggling with getting most measures started. The WG coordinator, Eli Chakar has made a budget projection for the thematic priority she leads, for which she requested funding from the state budget but it was not approved. She had also attempted to insert some of the measures from the thematic priority she leads into the new Programme for Development and Decentralization, as a way of securing funding from the state budget. Although the coordinator did not have a response by the time of our interview, she is confident most of the measures will be accepted, however, this remains to be confirmed in the next quarter report. Additionally, some members of this group from the civil sector are attempting to seek funding from international donors for the same measures. Some of the members of the WG say that they expected the OGP NAP to bring added value to the existing work of the stakeholders and did not know that existing activities would be listed as measures.

This case brings attention to a very significant issue, suggesting that the OGP NAP cannot have innovative and sustainable measures unless the drafting and consultation process is timed accordingly before the drafting of the state budget for the coming year. Additionally, it also requires that senior officials advocate the planned measures for OGP as priority for state budget funding in the government. One of the coordinators said that it is usually expected that soft activities (which aim for transparency and accountability) will be covered by donations while state funding is used for developmental projects, therefore, it would likely be hard to secure state funding for new measures of this action plan which call for good governance.

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2.3 Does the Multiple WG Model Improve Cooperation Between Government and CSOs?

There are still many undefined aspects about the work methods and efficiency of WGs in implementing measures of the action plan. However, it is evident that WGs also serve as open platforms for CSOs to influence policies, build a wider professional network with public officials as well as other representatives of civil society. All the coordinators of WGs said that they see the engaging format in which the action plan was drafted (and the fact that government institutions and CSOs stand as equals in the process) as the greatest success of this action plan. One of the coordinators emphasized that this approach will allow public officials and CSO representatives to understand each other better: CSOs will

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become familiar with the challenges public servants face in the process of implementation and will realize that it is not as easy as recommending reforms from the outside.

The thematic division of WGs also groups members according to their field of work/expertise and interest. Although, generally, members only update coordinators about the stage of implementation of their measure, some commitments are implemented jointly by Government institutions and CSOs (Section 3 offers more details about the specific measures). Hence, it also serves as a useful networking and communication channel for stakeholders representing various sectors. It offers the opportunity for new and stronger partnerships to occur that can serve for the development of new cooperation's on projects that will contribute toward the same cause. A significant added value, which results from the equality of members in the WGs, is *the deserved credit the activities of the CSOs receive for the positive impact they have in supporting the development of the Macedonian society and institutions.*

3   IMPLEMENTATION

This section reviews the measures of each thematic priority to estimate the stage of implementation of the Action Plan as a whole and consequently the efficiency of the work methods of the WGs as well. The following analysis is based solely on the quarterly reports drafted by WG coordinators. *Coordinators do not follow a common format for the reports they submitted to the MIOA, hence the differences between them make it difficult to offer an intersecting analysis of all WGs.* It is important to also note that vague language is used when reporting for some measures and some measures are not mentioned at all. It is very likely that these particular measures are still not being implemented, but, to avoid negative assessment of own measures, coordinators choose not to mention them at all, which is a huge weakness of the process.

On the other hand, as this section reviews each thematic priority of the action plan separately it is necessary to explain that although the document issued by MIOA establishes seven WGs, the last one on *Improved Services and Protection of Consumers and Citizens as Users of Services and Rights* has not met yet. It seems the issue is the appointment of a coordinating institution for the WG. During the drafting of the action plan it was predicted that by the time its implementation begins a Council for Consumer Protection would be formed by the government and the same body would be responsible for the coordination of the WG. However, since it has not been established yet and no other organization has taken the responsibility of leading this working group, to this day, it is still not operating.

3.1 Participatory Policy-Making

The first thematic priority has a total of ten general commitments, each with several activities. The first four commitments refer to the Unique National Register of Regulations in the Republic of Macedonia (ENER) – a useful tool for the engagement of the interested public in the process of policy making. Most of them are based on a fruitful cooperation between a CSO and a government institution – the interweaving of *Mirror of Government* (project implemented by MCIC*)* and *ENER* (project implemented by the Government), both supported by the same foreign donor (USAID). The monitoring analysis conducted by MCIC since 2012 on the use of ENER, its advantages and disadvantages are providing useful evidence to the authorities for the necessary improvements that would raise the number of users of ENER as well as its efficiency in engaging

citizens in policy-making processes. So, the first measures of this thematic priority have made ENER a more user-friendly platform for the interested public and the implementation of most of them can be confirmed with a visit of the website. Among other things, the site now allows an easier procedure for registration as well as subscription to receiving notifications when draft regulations from fields of interest are available; makes available all comments provided and also informs about the status of regulations (whether they are still available for comments). MCIC continues monitoring the use of ENER and the adherence of institutions to the rules and procedures of consultations with the public, it also provides a weekly and monthly review of draft regulations open for comments to which users can subscribe. The same are available on the website of ENER.

Measures five and six are under the responsibility of CRPM and have been completed. Through the EU funded project, LOTOS, CRPM has raised capacities of seven organizations to monitor implementation of policies in 43 municipalities, also publishing a report on the results which will be available by the end of May 2015. Additionally, CRPM facilitated the support of CSOs in the consultation process for OGP NAP and will do so again for the next NAP 2016-2018. Through this activity it aims to raise the ownership of CSOs toward OGP NAP and their engagement in implementing it.

Measure 8 is partially implemented as the Department for Cooperation with Civil Society has come up with a decision to create an advisory body for the promotion of cooperation, dialogue and to encourage the development of civil society. The document is available in a draft format in the nvosorabotka.gov.mk website but no final version is seen in the e-demokratija.mk portal. It is likely that the same document has not been approved in the government sessions yet.

Additionally, measure 9 and 10 aim to achieve commitments already made in other documents for the work of the Department for Cooperation with Civil Society. Both activities in measure 9 remain unimplemented still, but their deadline is not expired yet. The report of WG 1 does not inform about the status of measure 7 which is supposed to promote and monitor the use of e-demokratija.gov.mk as a tool of political participation. The web-portal itself provides no information about any promotional activities for its use, hence, it is likely that this measure has not been started yet, either.

Generally, the measures in this thematic priority are shared between CSOs and government and the impact of foreign donations is also significant for the implementation of about half of the measures. Measures are ongoing through different projects and would have been implemented even without the OGP membership of the country.

3.2 Open Data

All measures in this thematic priority are planned in the Programme of the Government within the activities of MIOA, and this signifies that they have secured funding in the state budget, consequently. Indeed, even expenses for activities to open data sets from other institutions are covered through MIOA. Additionally, although this WG cooperates closely and engages members from the civil society for consultation purposes, neither of them are charged with the implementation of any of the measures as they all fall under the responsibility of MIOA.

This thematic priority contains seven measures. According to the quarter report of the WG, most measures are already implemented. A Rulebook for the Minimal Technical Possibilities of Bodies and Institutions of the Public Sector has been adopted, meaning that measure 2 is implemented. The official open data platform (otvorenipodatoci.gov.mk) has been established and updated to incorporate more information and data sets (measure 3). So far, it contains data sets from 11 pilot institutions and data mashing between them is also made possible (measure 6). Interested parties can also request the publication of more data sets through the platform and can also report data-sets which are not updated (measure 5). According to the quarter report MIOA has begun offering trainings to data providers but there will be more trainings to come (measure 7), what signifies that measure 7 is only partially implemented and still ongoing. Considering that there are CSOs in the country with expansive experience on open data, this measure would be convenient opportunity for their direct engagement in implementing a measure, rather than only consulting them. Indeed, Metamorphosis (a local CSO) already conducts trainings on open data (although with a different target group: interested public, journalists, CSO representatives) and their activities will certainly contribute to the final objective of MIOA to increasing the number of open data sets and their use by citizens as well.

Measure 1 is too broad and refers to the publication of more open data sets from institutions. It is an ongoing measure and its implementation can be evaluated only at the end of the implementation period of the NAP. On the other hand, the report of the WG does not mention measure 4 at all. This measure is about developing a database for contact persons in institutions responsible for the technical adoption and publicizing of open data. However, this measure expires in July 2015 and the next quarterly report will be able to say whether implementation of this measure has been started.

3.3 Freedom of Information

This thematic priority has ten measures. In general, it presents a good combination of measures implemented by civil society and government institutions. The first two measures are about raising capacities of citizens, journalists, CSOs and officials to request and provide information of public character. The WG reports that Center for Civil Communication (CCC) has organized four trainings with journalists about how they can request information of public character, Foundation Open Society Macedonia (FOSM) has organized six trainings with CSOs in different municipalities and the Commission for PRFAIPC organized six with high school and university students, notaries and municipality officials. FOSM and ESE have also launched websites that educate citizens about accessing information of public character and also enable electronic request of the same.

The new website of the Commission for PRFAIPC, listed as measure 3, has already been completed. It provides more links and solution and is easier to use.

Measures 4 and 5 are about legislative obligation of all information holders to publicize and update the list of information that qualify as public. For this purpose the Commission for PRAIPC reports that they regularly train staff in all institutions about how to update their list of information of public character; however, for a more efficient implementation of the measure the respective Commission is recommending the preparation of handbooks for officials in each field separately (judiciary, executive and legislative branch) with specific

examples as well as a handbook for requesters of information. By the next quarterly report it should be clearer how this measure will be achieved.

Measure 6 is about the improvement of the human and financial resources of the Commission for PRAIPC, however, the WG reports that the budget of the Commission remains the same for 2015 as it was in 2014 and there is nothing new for this measure.

In measure 7 the Commission for PRAIPC commits to sign memorandums for cooperation with CSOs and the WG report says that such memorandums will be signed with FOSM, ESE and CCC regarding their common projects in the framework of OGP.

As for measures 9 and 10, both of them depend on the Ministry of Justice. 9 refers to the amendment of the law on Free Access to Public Information and 10 is on the compliance with the Convention of the Council of Europe for access to public documents, which indeed, is a measure that was not implemented in the first OGP NAP and is transferred to the 2014-2016 NAP. The next quarterly reports should be able to reveal whether the implementation of these measures has been initiated as their set deadlines on the action plan are September and March 2015, respectively.

Measure 8, on the other hand, is an activity of ESE, which is implemented in close cooperation with the Ministry of Health. It has begun with ESE requesting information (through the procedure of requesting information of public character) about the budgets and implementation of preventive health programmes at the respective Ministry and publicizing the same. Indeed, this same activity is also listed as a commitment of ESE in thematic priority 5 (fiscal transparency). The measure is still not finalized.

3.4 Combating Corruption and Promoting Good Governance Principles

Thematic priority 4 has nine measures. Among the main implementing parties are the State Commission for Prevention of Corruption (SCPC) and several prominent CSOs in the fight against corruption. From the quarterly report of the WG we learn that the implementation of measure 1 (amend the Law on Prevention of Corruption to introduce whistleblower protection) has not begun yet. As for measure 2, it is a combination of activities of two CSOs (Transparency International Macedonia (TI-M) and Foundation Metamorphosis), which through their projects aim to advocate for whistleblower protection and to find out whether the Law on Criminal Procedure and human rights are respected accordingly in the country. Additionally, as an activity in measure 6, TI-M through another of its projects, has started developing a methodology for monitoring the implementation of integrity systems. While according measure 5 of this thematic priority the same is expected to be done by government institutions, the WG quarterly report fails to mention it at all, which is likely because the implementation of this measure by the responsible institution has not started yet. Indeed, measures 5 and 6 should serve particularly useful especially since the number of municipalities which have adopted policies of integrity is growing (25 municipalities signed policies of integrity in December 2014 – which is a success toward the implementation of measure 3). The commitment of CRPM in this thematic priority (measure 8) serves well the purpose of monitoring implementation of integrity policies as throughout 2014 and the first quarter of 2015 CRPM has trained seven CSOs from eight regions of the country about monitoring anti-corruption policies. These CSOs have monitored 43

municipalities and their research has produced an extensive analysis which will be published by the end of May 2015. Although a fruitful project for this thematic priority, it must be noted that this measure is repeated twice in the action plan (also in priority 1: participatory policy-making). Coordinators of both working groups have been approach about the issue and it is expected that it will be cut out from one of the thematic priorities.

Measure 4 is another measure that aims to improve the integrity of institutions through a methodology. The activity that is listed in the report as the one 'indirectly' contributing toward the implementation of this measure is the training organized by OSCE in cooperation with SCPC with 35 participants from 20 municipalities about measures that prevent risks and the means of overcoming them with corrective measures in case they occur. The development of a methodology for the assessment of risks of corruption as an update of the concept of integrity has also been discussed in this trainings, however, these events have not generated the actual methodology. Hence, practically, measure 4 remains, at best, partially implemented.

On the other hand, measure 7 is about the promotion of IT tools for social responsibility in municipalities. The carrier of this measure is UNDP with its *My municipality* project which has set up touch screens with questionnaires about the services provided by respective municipalities in front of 15 municipalities. The same questionnaires can be accessed on the internet. The structure of the statement for the measure refers generally to the promotion of IT tools and not specifically to the UNDP activity. Hence, it is not clear whether other activities of the same nature are expected to be carried out for this measure by the end of the OGP NAP. Finally, measure 9, on the other hand, is about defining the persons obliged to submit declarations of assets and interests statement. The SCPC reports that the establishment of one such Register is in the process. Hopefully future reports will show its completion.

More than half of the measures in this thematic priority are implemented with the support of international donations. This corresponds with the opinion of the anonymous interviewee who has the impression that, generally, it is expected that measures for transparency and accountability will be covered by international funding. Significant activities have been carried out within the framework of this thematic priority of the NAP but most of them are supporting actions that help improve existing concepts (e.g. system of integrity). However, measure 1 and 9, which are still not completed, would introduce important changes in the fight against corruption in the country. Future quarterly reports should report on the progress of these measures.

3.5 Effective Management of Public Resources (Fiscal Transparency)

This thematic priority has three precise and well explained measures. The main implementing party of these measures is the Ministry of Finance, and the Ministry of Health is also responsible for the implementation of one of the activities.

The first measure calls for the publication of the Budget of the Republic of Macedonia in an open format, which is already available in xml format in the website of the Ministry of Finance for several years now, however, this time also in the open data portal as well. Additionally it calls for a citizen budget, which according to the quarter report is in draft version and will be publicized soon for 2015. The third activity of

the first measure is the publication of status of completion of heath programmes by the Ministry of Health. For this purpose a sub-working group with coordinators of the preventive and curative heath programmes at the Ministry of Health and representatives of the CSO Association for the Emancipation, Solidarity and Equality of Women (ESE) will be created. This subgroup will agree on the format of publication of these data and it is already decided that they will be published bi-annually. This is a positive example of cooperation between members of the public and civil sector, especially since it is also a new measure that has not been projected in another work plan.

Measure 2 is about public procurement and its main implementing party is CCC. It calls for institutions at central and local level to publicize their procurement plans as well as for the development of standards on transparency with a list of minimum information each institutions that conducts public procurement needs to publicize. No tangible results are visible yet with regard to this particular measure but their deadline does not expire until 2016.

Measure 3 on the other hand is about foreign help and investments and it falls under the responsibility of Agency for Foreign Investments and the Secretariat for European Affairs. To begin the implementation of this activity CCC, ESE together with the Agency for Foreign Investments will define the list of documents to be publicized on the website of the respective Agency. Additionally it is also required more proactive transparency from the Secretariat of European Affairs on foreign donations besides its central data base which provides basic information on projects supported by foreign donations. However, no visible results from this measure have been seen yet.

Although most measures in this thematic priority remain unimplemented still, the quarter report delineates the steps that members have agreed to take for the completion of activities, hence, it seems that coordination in the WGs helps members find their way around the broad measures which do not suggest a smooth implementation and make the most of the available resources.

3.6 Openness at Local Level

The generalized composition of the NAP is especially a problem in the sixth thematic priority where [in the text], measures are not matched with the implementing parties and now no one takes responsibility for their completion. Evidently, due to the failure to start implementing measures under the responsibility of this WG, the report for the first quarter is also vague and does not give an accurate evaluation of the stage of implementation for any of the measures. It contains 5 extensive measures.

Measure 1 of this thematic priority lists five broad activities to contribute toward the development of capacities at local level for proactive communication with citizens, however, as an activity that contributes toward the same cause (although not one of the listed measures in the action plan) the report mentions the Community Forum Programme – a project implemented by the civil society. Measure 2 is about the establishment of an electronic platform that matches the municipal budgets with the public service delivery in those municipalities. It has not been started due to lacking funds. Neither have the rest of the measures. Measure 3 is about improving local services through direct cooperation with citizens. Its implementation has not begun yet but the quarter report says it is planned in the Programme for Development and

Decentralization, whose implementation will begin soon. Measure 4 is about transforming more services into e-services and the report points out that as the process would be expensive, additional funding is being sought for it. Measure 5 is about making consultation for public policies obligatory for municipalities.

So far, measures of this thematic priority stagnate most because they do not specify the responsible implementing party and are different from the rest of the NAP as most of them are not replications of planned activities from other official documents. Since there are measures for which no one takes responsibility, the coordinator has distributed a questionnaire to around 1300 CSOs about their activities to see if their projects match with the commitments made in thematic priority 6 of action plan. The cases when activities of CSOs match with measures of the NAP, the same will be listed as implemented measures.

3.7 Improved Services and Protection of Consumers and Citizens as Users of Services and Rights

As the introduction of this section explains, WG 7 is not operating due to mismanagement. However, to learn more about the situation as well as to see whether any of these activities are, nevertheless, carried out we contacted some of the members of this group. Indeed, WGs as units do not carry out the activities together but do give visibility to the implementation process. Two out of three contacted organizations responded to our email.

In hope Macedonia, an NGO promoting safer internet, informed us that their commitment is to carry out activities of the Center for Safer Internet in the framework the action plan but this Center has still not been established by MISA, hence the activities will not be carried out until further progress in establishing the Center. On the other hand, the Organization of Women in the Municipality of Sveti Nikole informs that it has been carrying out its project activities about raising awareness nation-wide about the risks of breast cancers and the services they can use at their local hospital. It has constantly advocated with stakeholders the sustainability and monitoring of the implementation of free gynecological check-ups for women. While it collected information about how many women have gone through these check-ups and how many are diagnosed with cancer it continued its awareness-raising activities.

4   CONCLUSION

The second OGP NAP (2014-2016) compiles a list of very important measures (mainly continuing measures but some new ones too) which mark the efforts of government institutions, international organizations and civil society toward open and good governance in the country. The multiple working group model adopted by the Macedonian government for the implementation of the NAP is a positive step that enhances the ownership of stakeholders as well as cooperation between them. Efforts to improve the textual organization of the NAP into measurable commitments is also visible, hence comparatively, the whole OGP process in the country has advanced since last year. However, despite the relative improvements that have been noted, substantial issues remain in all aspects of the process – a process that could become an innovative initiative to partner up government with civil society and improve their transparency.

The main problem with the last OGP NAP in Macedonia, that is evident in the textual structure of the document and substantially undermines the potential of OGP for sweeping impact in the country, is *the way*

stakeholders understand OGP as an initiative. Although there is evidently greater awareness and ownership of the initiative by CSOs and institutions compared to the first NAP, a common understanding of what to make of OGP in Macedonia is still missing. *The same problem that existed in the first NAP is transferred to the second one: measures already planned by other action plans or annual programmes of the government are replicated as measures in the OGP NAP.* This practice of copying commitments from other documents, in fact, makes the OGP NAP redundant, as it is obvious that most activities would have been carried out even if the OGP NAP did not exist. However, the pressure to have as many measures implemented, while there is no dedicated budget for OGP, pushes stakeholders to seek such solutions, because, as has been witnessed in both OGP NAPs, existing measures with planned and approved budget are eventually implemented; while new measures that are not backed by alternative donor funds remain unimplemented. There are two additional weaknesses of the action plan that allow the adoption of external measures in the OGP NAP as well. First, many measures are written broadly and often are presented as objectives. As such they *do not name precise activities that will be undertaken*. Consequently, this allows WGs to list in the reports any ongoing activities in the country that contribute toward the same objective to demonstrate the implementation of a measure. For instance, measure 4.7 (promote the use of IT tools for social responsibility) allows any activities that promote IT tools, by any institution/organization to be presented as completion of the measure due to its very broad formulation. Second, many measures in the NAP *do not name the responsible organization/institution for their implementation* and adopting external activities is the only way to present such measures as implemented.

These remaining irregularities with the textual structuring of the document prove to be a serious weakness that further transmits in the implementation of the NAP. *An improved textual organization of the document would make implementation of the NAP as well as its monitoring and assessment more efficient.* It is necessary that stakeholders in the drafting of the action plan are instructed well about how they are expected to shape the document; and it is also necessary that the document goes through careful review by a special commission so as to improve its structure as well as check the feasibility of measures before it is adopted by the government. What has not been practiced in the two NAPs that Macedonia has implemented, but would be a useful practice for the upcoming NAP, is the specification of the budget source and amount planned for each measure. It would significantly improve the setting for monitoring the implementation progress of the NAP. Additionally, the state budget must make special space for measures of OGP as the government has committed to uphold its principles. Once budget support is ensured, innovative measures can be adopted in the NAP and implemented accordingly. This OGP NAP needs to bring an added value to the efforts of the country toward transparency and accountability and not only serve as a platform that compiles all existing activities in this field. However, to ensure that innovative measures receive the deserved attention and are properly implemented, it is necessary that substantial reform is undertaken starting from the drafting of the NAP.

The previous paragraphs point out that defining problems of the OGP NAP emanate from the very initial stages of creating it. From here, it is necessary that simultaneously with the efforts to *widen the ownership of stakeholders*, there must be efforts to *deepen ownership of the OGP process*. Unless special budget is devoted to OGP in the coming years, the country will fail to yield significant benefits from OGP and will

continue to be merely a 'tick-the-boxes' process. While content-wise there is little the OGP NAP has brought to Macedonia so far, the process of implementing it is giving hope for the intensification of cooperation between CSOs and government institutions as a byproduct of the work of the WGs. The thematic grouping of WGs allows stakeholders to meet and cooperate with professionals and activists from the same field of work. However, as WGs have held only one meeting by the time this paper is written there is not sufficient information to assess their impact in increasing cooperation between members. Nevertheless, it is noteworthy that not managing to engage mayors in the drafting of the NAP as well as in its implementation through the WGs is a weakness of the process since the NAP contains a thematic priority about Openness at Local Level. The engagement of representatives of the Association of Local Self-Governments makes municipalities only beneficiaries of some measures but does not commit them to constantly work toward the principles of OGP. One of the main benefits of OGP in the country must be bringing decision-making and accountability of institutions closer to the citizens; hence, it is necessary that local institutions (municipalities) and civil society, elected institutions like Parliament and many others are directly engaged. However, to enable a wide group of actors to become part of the OGP process in the country, especially actors that do not operate in the capital city, WGs must exploit means of technology for efficient coordination and communication to substitute for physical meetings which cannot always be attended by all relevant stakeholders.

Last, as the citizen is the final and most important beneficiary of the activities of OGP it is important to invest efforts to raise public awareness about OGP and the outcomes of measures implemented within its framework. This analysis shows that most thematic priorities do have measures that aim to raise public awareness about the reforms they bring. Most of the awareness raising activities are under the responsibility of civil society – rightfully so, since the civil sector in Macedonia has a rich experience in awareness-raising campaigns and informal education. Reaching visible results in this regard requires constant long-term engagement, however, at this stage it is important that they are ongoing and that institutions and organizations have committed to do what they are best at. This is particularly important for the CSOs, as they are given recognition for the valuable work they do to advance democracy in the country from many perspectives.

5 DERIVED RECOMMENDATIONS

IMPROVE DRAFTING OF NAP:

- (A) The NAP document must be (1) structured in precise, measurable statements, (2) name specific activities, (3) display the source and amount of funding, as well as (3) contains original, innovative measures, which are not replicated from other documents and (4) specify implementing party(ies) for each measure.

  (B) A multi-sectoral commission should be established for the purpose of reviewing the last draft of NAP for the abovementioned criteria before it is submitted to the government.

- To ensure that the OGP NAP will have innovative and sustainable measures, (1) drafting of NAP must be timed accordingly with the drafting of the state budget and (2) senior officials need to advocate for the significance of dedicating state funding to the OGP initiative in the country.

ENHANCE COORDINATION:

- The document issued by MIOA that created the WGs needs to be updated so as to precisely define the role of members and that of WGs as a whole, as well as the procedure of their work.

- In the coming years, the thematic WGs need to serve as laboratories for short and long-term policy development, and not only as reporting bodies.

- All WG coordinators should agree on using a common format for the reports they submit to the MIOA to be able to follow their activities more efficiently.

- WGs need to make use of internet and technology (through e.g. live streaming, video conferences) to intensify and optimize communication between members, as well as to enable more actors operating outside of the capital to join them.

- Coordinators must have a budget projection of the funding of each thematic priority they run, with a specific focus on the government funding.

STRENGTHEN COOPERATION:

- (A) For stronger ownership and feasibility of measures on local level, it is important that besides local CSOs, municipalities and other local institutions are also directly engaged in the OGP process.

  (B) Additionally, it is significant that as many elected institutions are directly engaged and commit to advanced levels of openness and accountability.

- More efforts should be made by government institutions as well as CSOs to increase public awareness about the values of OGP through the promotion of its outputs as direct results of the OGP initiative.

- CSOs and government institutions need to use the WGs as opportunities to deepen their cooperation in their field of work, in general.

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PROJECT PARTNERS