

## PUBLIC ENGAGEMENT IN DEVELOPING KEY STRATEGIC PUBLIC ADMINISTRATION REFORM (PAR) DOCUMENTS

MARCH 2022



B | T | D The Balkan Trust  
for Democracy  
A PROJECT OF THE GERMAN MARSHALL FUND



This Project is financed  
by the European Union

Author: Julijana Karai, senior researcher, European Policy Institute - Skopje

Consultation is structured public engagement, which involves seeking, receiving, analysing, and responding to feedback from stakeholders, by defining the purpose and subject of the consultation whether it is a policy initiative, regulatory change, or legislative proposal.<sup>1</sup> The use of public consultation has different implications for the improvement of the regulatory framework. If undertaken in a timely and effective manner, consultation captures the collective intelligence of a society and helps collect empirical information for analytical purposes, especially as a precondition for the move towards more analytically-based models of decision-making processes.<sup>2</sup> Furthermore, consultation mechanisms are increasingly characterised by greater openness and accessibility, particularly for smaller, less organised interests, which leads towards more pluralistic approaches. Consultation is inherent to transparent and effective governance.<sup>3</sup>

## THE PROCESS OF PUBLIC CONSULTATIONS IN NORTH MACEDONIA

Based on document analysis as regards the overall public consultation process, it can be said that evidence-based findings produced by CSOs are rarely referenced in the sample of adopted government policy documents. All in all, 19 policy documents in three areas, which are currently being implemented, have been analysed, out of which only 6 contain references to findings produced by CSOs.<sup>4</sup>

With respect to referencing evidence-based findings produced by CSOs in policy papers and *ex-ante* impact assessments, 21 documents were analysed, but only one document had a reference to evidence-based findings produced by CSOs. In all three examined policy areas, no *ex-post* analysis was found, and the research team did not receive any *ex-post* analysis in answer to freedom of information (FOI) requests.<sup>5</sup>

1 Presentation by Edward Donelan, Workshop on "Consultation Practices within the Process of Public Policies Challenges and Opportunities", <https://www.sigmaxweb.org/publications-documents/41838190.pdf>

2 Ibid

3 Ibid

4 National PAR Monitor, North Macedonia 2019/2020, <https://epi.org.mk/post/17326?lang=en>

5 Ibid

Regarding the opinion of the civil society in North Macedonia about the use of evidence in policy making, 44% of surveyed CSOs agree that when they are addressing policy problems or developing policy proposals, government institutions invite their respective organizations to prepare or submit policy papers, studies, or impact assessments.<sup>6</sup> The percent of those who disagree with this statement is 23%. Furthermore, 57% of surveyed CSOs have stated that upon inviting government institutions to partake in their events, these invitations are often or always accepted, while 17% of CSOs have replied that this practice happens rarely or never. 35% of CSOs say they have been invited (“often” or “always”) to working groups/task forces for drafting policy or legislative proposals, when having specific evidence-based proposals and recommendations. However, it is concerning that 29% of respondents perceive that this practice happens rarely or never.<sup>7</sup>

As regards the issue of the Government giving feedback on policy proposals, 21% of CSOs answered that they are often or always provided with feedback, which explains the reasons on either the acceptance or rejection of their evidence-based proposals and recommendations given during their participation in working groups. 53% of CSOs perceive that this practice happens rarely or never.<sup>8</sup>

The process of public consultations is to a great extent open to the public, with legislation stipulating that each policy document or legislation should be open for public consultations in the early stage. However, reporting by the central administration about public consultations held regarding legislation and policy documents is lacking.<sup>9</sup> The quality of reporting cannot be assessed, considering that overall reporting about public consultations, whether it is for policy documents or legislation is lacking. In this context, the impact of public consultations cannot be measured, as well considering that there were no reports identified.<sup>10</sup>

For each legislative document, the process of consultations starts by publishing a notification on the Single Electronic Register of Regulations (ENER) about the start of preparation of the document. After the notification, the stages/versions of the legislative documents are as follows: draft text of the law accompanied by draft text of the Regulatory Impact Assessment (RIA), and proposal of the law accompanied by the RIA proposal.<sup>11</sup> However, there is no evidence of early consultations in practice, in form of minutes, or reports which would refer to comments, proposals, and suggestions given at this consultative stage, as well as whether comments and proposals have been accepted or not. The impact of public consultations cannot be measured since there have been no reports identified.<sup>12</sup>

34% of CSOs consider that the formal consultation procedures ensure conditions for an effective involvement of the public in policy-making processes. It should also be noted that about the same number of CSOs have a neutral opinion on this matter. According to 42% of CSOs, government institutions do not consistently apply formal consultation procedures when developing policies within their purview and more than a half of CSOs (53%) believe they are not consulted or are consulted only sporadically in the early stages of policy and legislative processes.<sup>13</sup>

## CONSULTATIVE PROCESS ON KEY PAR STRATEGIC DOCUMENTS

The WeBER research presents the analysis of monitoring the Revision of the Action Plan for the 2018-2022 PAR Strategy and the Action Plan for the 2018-2021 Public Finance Management (PFM) Programme.<sup>14</sup> The public consultation on the Revision of the Action Plan lasted 15 days and an open call for comments and suggestions was published on the ENER. However, although the document had been published on the ENER, representatives in the focus group stated that this document was prepared in a non-inclusive process, unlike the process of preparation of the PAR Strategy and the AP.

6 Ibid

7 National PAR Monitor, North Macedonia 2019/2020, <https://epi.org.mk/post/17326?lang=en>

8 Ibid

9 Ibid

10 Ibid

11 Ibid

12 Ibid

13 Ibid

14 Ibid

Representatives of the Ministry of Information Society and Administration (MISA) agreed that inclusiveness, as an imminent principle of cooperation, was one of the key commitments of the Ministry as of the moment of starting the preparation of the (2018-2022) PAR Strategy and AP.<sup>15</sup> However, CSOs representatives in the focus group stated that consultations were not inclusive from the very beginning and they disagreed that the document went through minor changes, considering instead that there had been significant interventions.<sup>16</sup> CSOs consider this example to be a deviation from the previously established good practice in the consultative process on the 2018-2022 PAR Strategy.<sup>17</sup> As far as invitations to the civil society to participate in the consultations are concerned, an open invitation was published only for the Revision of the Action Plan for the 2018-2022 PAR Strategy. CSOs were provided with complete information about both documents, required for preparing for the consultative process.<sup>18</sup>

According to SIGMA/OECD, consultation and engagement with non-governmental organisations is not systematically done, particularly for the 2018-2022 Public Administration Reform Strategy.<sup>19</sup> External stakeholders are primarily engaged during the written consultation on draft planning documents or monitoring reports but are less engaged through formal monitoring structures. Although both strategies involved non-state actors in the development of the original PAR strategic document, engagement with stakeholders during the revisions of action plans at later stages has been limited.<sup>20</sup>

Regarding the 2020 Action Plan for the 2018-2021 PFM Programme, the WeBER researchers could not find online information about the consultative process on this document.<sup>21</sup> Hence, in reply to FOI requests they were informed that consultations took place on 27 March 2020 at an online meeting of the PFM Sectoral Group, with a deadline for submission of comments on 2 April 2020.<sup>22</sup> According to the Ministry of Finance (MoF) response, two CSOs submitted comments, which upon assessment by in-line institutions were included in the final document. This was confirmed by the CSO representatives in the focus group. Yet, a conclusion of the focus group discussion was also that CSOs' participation in the Sectoral Group is strictly formal and that their comments are usually not taken into consideration.<sup>23</sup>

The Regional PAR Monitor has shown that restricted PFM consultations in Kosovo, North Macedonia, and Serbia were examples of limited openness and non-transparency of consultations on PFM.<sup>24</sup> In these cases, already-existing platforms with broader purposes were used to consult CSOs on PFM Action Plans.<sup>25</sup> PFM Policy Dialogues in Kosovo and Serbia represent a multi-stakeholder format for discussing PFM reform in general, and selected CSOs were invited by emails. Similarly, the PFM Sectoral Group in North Macedonia was tasked under the Instrument for Pre-Accession (IPA) programming, and evidence of consultations was only received as a follow-up to an FOI request, which also revealed that invited CSOs were given a five-day deadline for submission of comments. Together with narrow approaches to inviting participants and targeting specific CSOs without open calls to participate, these consultation processes were not followed up with written evidence on outcomes.<sup>26</sup>

However, consultations usually take place in the later stages when documents are already prepared. The responsible (in-line) government bodies were not proactive in ensuring that a wide range of external stakeholders be involved in the process and there is no evidence found regarding the consideration of individual comments, remarks, or proposals by CSOs regarding both strategic documents.<sup>27</sup>

Furthermore, no organisation is responsible for controlling the quality of the public consultation process by assessing both its adherence to the consultation requirements and the use of consultation outcomes. Neither does a clear methodology exist to determine the quality of the public consultation process.<sup>28</sup>

In this respect, the EC has noted that further efforts are needed to ensure a more timely, meaningful, and transparent consultation process with civil society.<sup>29</sup>

15 National PAR Monitor, North Macedonia 2019/2020, <https://epi.org.mk/post/17326?lang=en>

16 Ibid

17 Ibid

18 Ibid

19 Monitoring Report for Republic of North Macedonia 2021, <https://www.sigmaxweb.org/publications/Monitoring-Report-2021-Republic-of-North-Macedonia.pdf>

20 Ibid

21 National PAR Monitor, North Macedonia 2019/2020, <https://epi.org.mk/post/17326?lang=en>

22 Ibid

23 Ibid

24 Western Balkan PAR Monitor 2019/2020, <https://weber-new.s3.us-west-2.amazonaws.com/wp-content/uploads/2020/05/23203507/Western-Balkans-PAR-Monitor-2019-2020.pdf>

25 Ibid

26 Ibid

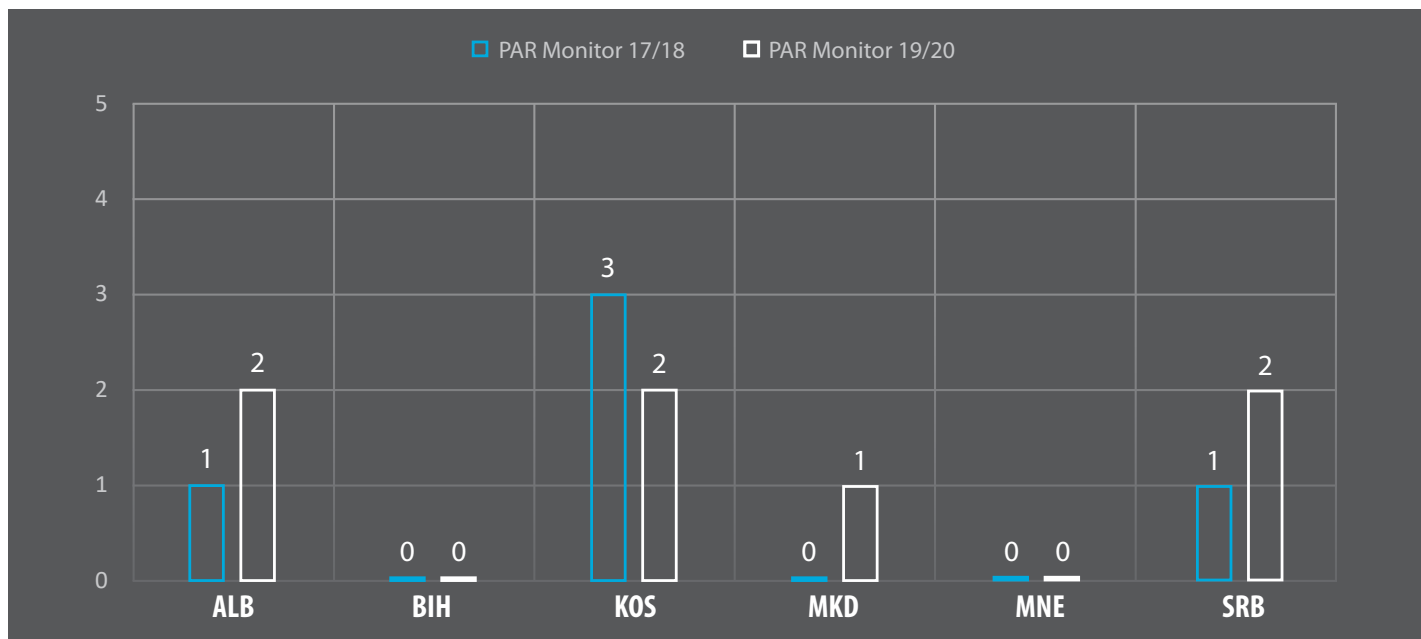
27 Ibid

28 Monitoring Report for Republic of North Macedonia 2021, <https://www.sigmaxweb.org/publications/Monitoring-Report-2021-Republic-of-North-Macedonia.pdf>

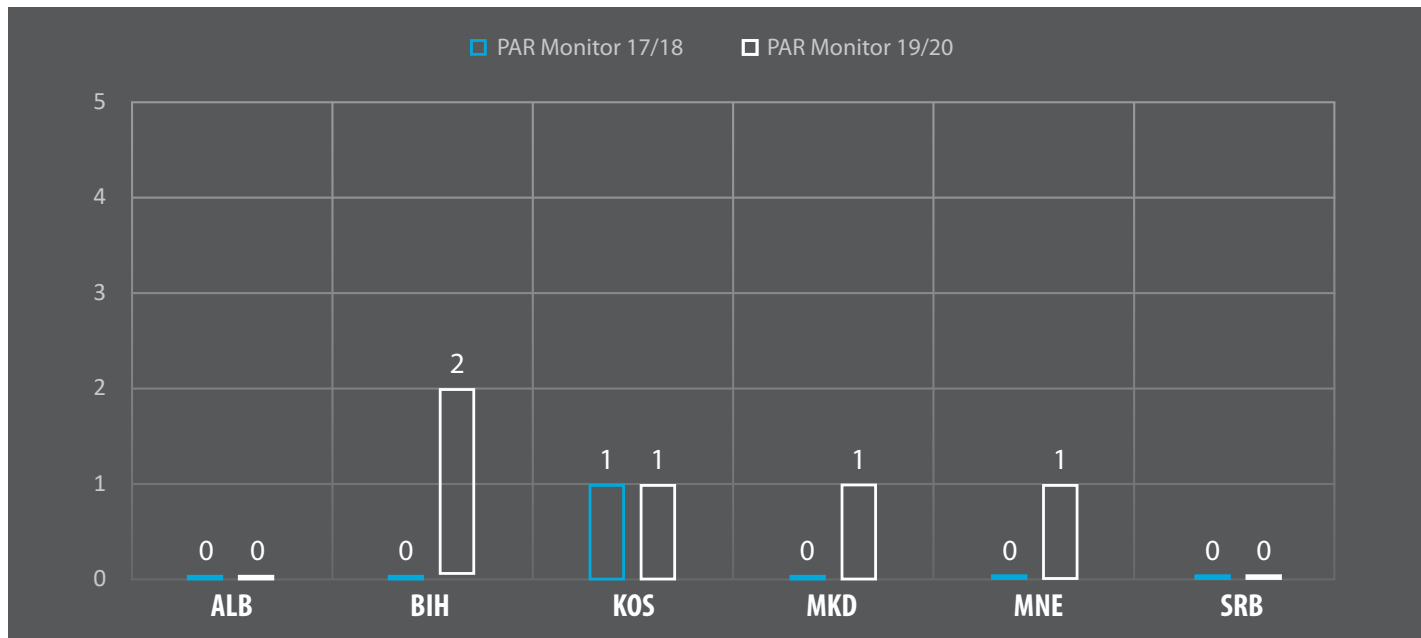
29 North Macedonia Report 2021, [https://ec.europa.eu/neighbourhood-enlargement/north-macedonia-report-2021\\_en](https://ec.europa.eu/neighbourhood-enlargement/north-macedonia-report-2021_en)

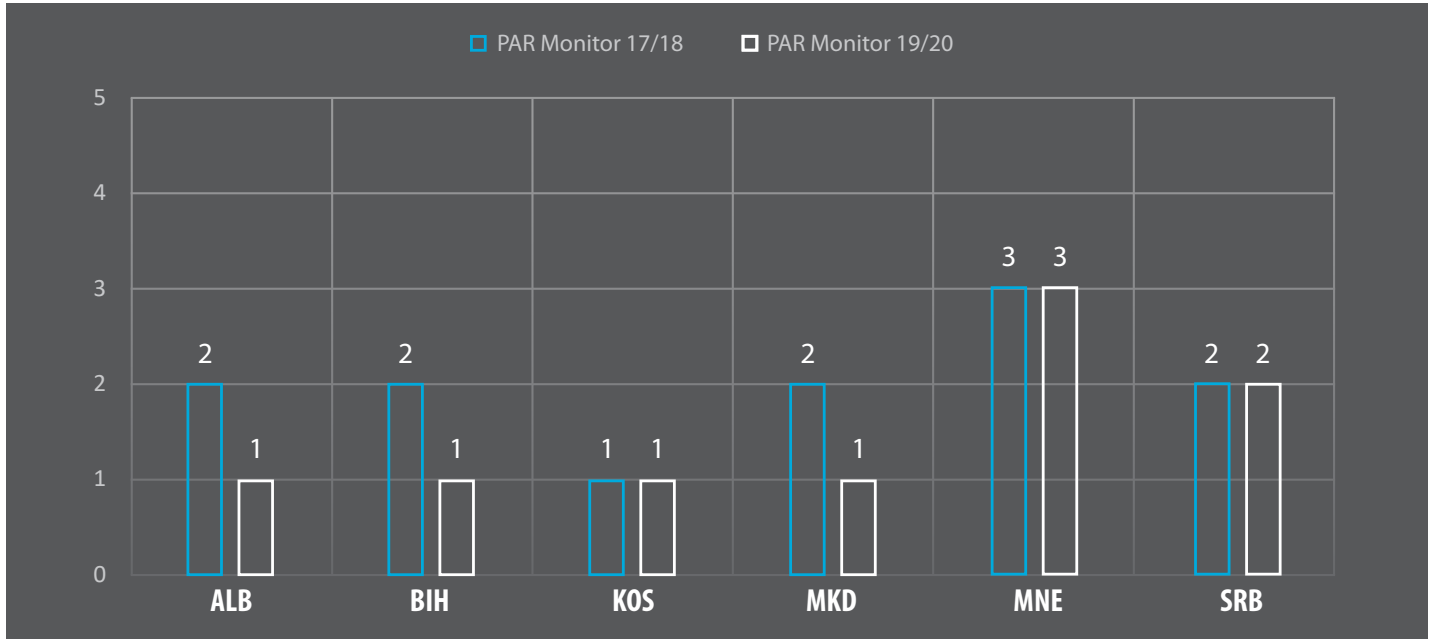
## THE SITUATION IN REGIONAL TERMS

*Use of evidence created by think tanks, independent institutes and other CSOs in policy development*



*Civil society perception and scope of involvement in policymaking*



*Use of participatory approaches in the development of key strategic PAR documents*

## 2019/2020 PAR MONITOR RECOMMENDATIONS FOR THE PUBLIC CONSULTATION PROCESS AND CONSULTATIONS ON KEY PAR STRATEGIC DOCUMENTS:

1. State institutions should prepare and appropriately publish reports about their strategic documents and plans.
2. State institutions should adequately and thoroughly reference evidence-based findings by the CSOs in adopted policy documents, policy papers, *ex-ante* impact assessments, *ex-post* policy analyses, etc.
3. State institutions should proactively and systematically provide feedback about evidence-based proposals and recommendations given by CSOs in the policy-making process.
4. State institutions should consult CSOs in the early stages of the policy-making process in order to develop priorities and objectives in partnership with them, instead of inviting CSOs to debate and comment on already prepared documents.
5. State institutions should provide adequate and timely information to CSOs regarding the content of legislative or policy proposals. Relevant information should be provided to CSOs at least 20 days ahead.
6. State institutions should develop a systematic database of contacts to ensure that diversity of interests is represented in consultation processes (women's groups, minority rights groups, trade unions, employers' associations, etc.), and should appropriately invite them to take part in consultations by adequately understanding their area of interest.
7. The MISA and the MoF should have joint consultations about issues of relevance for the effective implementation of the Strategic Framework, such as cost estimates/fiscal implications.
8. The MISA should include the public/CSOs in the early stages of consultations regarding modifications/revisions of the PAR Strategy and its Action Plan.
9. The MISA should keep detailed records and documentation about the PAR Strategy consultations and timely publish them on its website in order to inform the public about issues discussed, proposals and remarks given and whether proposals and remarks have been or have not been accepted and the ratio behind the decision to accept or not to accept them.
10. CSOs should be informed and given feedback about their contributions and comments given in the consultation process.
11. Open dialogue about contested issues and questions should be fostered with a view to defining common conclusions and solutions accepted and owned by all stakeholders included in the process.
12. The MoF should include all relevant stakeholders early in the consultation process, when defining strategic priorities and directions. Moreover, it should timely invite and provide CSOs with all relevant documentation required for the consultation process.

*This document has been produced with the financial support of the European Union, the Balkan Trust for Democracy, a project of the German Marshall Fund of the United States and the Royal Norwegian Embassy in Belgrade. The responsibility for content and information in this publication rests solely with the European Policy Institute (EPI) and the Think for Europe Network (TEN). Opinions expressed in this publication do not necessarily represent those of the European Union, the Royal Norwegian Embassy in Belgrade, the Balkan Trust for Democracy, the German Marshall Fund of the United States, or its partners.*

For more information, please visit:

[www.par-monitor.org](http://www.par-monitor.org)



institut alternativa

