

## ACCOUNTABILITY – A VITAL PREREQUISITE FOR PUBLIC AUTHORITIES

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Accountability is a precondition for public authorities in order that they could be liable for the results or lack thereof while operating with resources entrusted to them as part of the mandate/competence conferred upon them. It ensures that public officials' actions and decisions are subject to oversight, which on its part ensures that government initiatives achieve envisaged objectives and address needs of citizens they are intended to serve. In general, accountability arises when the Government's performance is subject to oversight or requests by other persons or organizations for the Government to provide information justifying its actions.

Accountability and proactivity of public authorities have significantly advanced in the past two years.<sup>1</sup> North Macedonia has progressed in most areas covered by the accountability principle and is now a top performer in the Region, albeit some important weaknesses still persist.<sup>2</sup> The new Law on Free Access to Public Information (LFAPI) has significantly improved the legal grounds for the implementation of this right.<sup>3</sup> However, proactivity in the disclosure of information and datasets on official websites remain very low, which indicates a significant gap in the implementation of the LFAPI.<sup>4</sup>

Upon the adoption of its new freedom of information- FOI legislation, North Macedonia has raised the bar in terms of proactive publication requirements for certain more sensitive types of information.<sup>5</sup> Now it is mandatory for public authorities to publish annual and quarterly budget data, audit reports, as well as complete documentation on public procurements, concessions, and public-private partnership contracts.<sup>6</sup> Unlike legislation in this area in the rest of the Region, the new LFAPI of North Macedonia obliges public authorities to publish information on their websites about their payments that go through the treasury, in a manner that indicates relevant budget users and accounts, amounts, the TIN (taxpayer identification number) numbers of recipients (for legal entities), and names of recipients (for natural persons).<sup>7</sup> According to the LFAPI, published personal data is available for a period of two years from the date of publication. For instance, the Treasury Administration is obliged to inform the public about transactions by posting relevant information on its website, then by publishing the list of budget users, and their units, as well as periodic reports on revenue collection and expenditures under the central and municipal budgets. These provisions go hand in hand with budget transparency initiatives and are featured as a good practice, the open finance portal being a case in point in this regard.<sup>8</sup>

1 National PAR Monitor 2019/2020, [https://epi.org.mk/wp-content/uploads/National-Par-Monitor-Macedonia\\_Final\\_eng.pdf](https://epi.org.mk/wp-content/uploads/National-Par-Monitor-Macedonia_Final_eng.pdf)

2 SIGMA Monitoring Report, The Principles of Public Administration, North Macedonia, 2021, <http://www.sigmaweb.org/publications/Monitoring-Report-2021-Republic-of-North-Macedonia.pdf>

3 National PAR Monitor 2019/2020, [https://epi.org.mk/wp-content/uploads/National-Par-Monitor-Macedonia\\_Final\\_eng.pdf](https://epi.org.mk/wp-content/uploads/National-Par-Monitor-Macedonia_Final_eng.pdf)

4 SIGMA Monitoring Report, The Principles of Public Administration, North Macedonia, 2021, <http://www.sigmaweb.org/publications/Monitoring-Report-2021-Republic-of-North-Macedonia.pdf>

5 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>

6 Ibid

7 Ibid

8 Ibid

Findings under the National PAR Monitor 2019/2020 also indicate an improvement in terms of proactive informing of the public. All institutions have a list of documents and legislative materials relevant to their respective policies, which are easily accessible, but these are not presented in a citizen-friendly manner. Most institutions publish policy papers, studies, and analyses relevant to policies under their competences.<sup>9</sup> The review of websites of various ministries conducted for the National PAR Monitor 2019/2020 assessment shows that information sometimes is not available, not updated or is not available in all official languages.<sup>10</sup> In the context of publishing annual work reports, only the Ministry of the Interior has published such a report. It is the only institution that has published both the 2019 financial report and its 2020 financial plan.<sup>11</sup> None of the budgets published by monitored sampled institutions are citizen-friendly.<sup>12</sup> On a more positive note, the Ministry of Finance has started publishing the Annual State Budget, at the Citizen Budget portal.<sup>13</sup> As far as contact information is concerned, four out of seven institutions have updated contact information on their websites, and most institutions have their organizational charts uploaded on their websites, as well as media contacts and officers in charge of requests for free access to public information.<sup>14</sup>

However, no contacts or information on cooperation with the civil society and other stakeholders has been found on websites of any of the ministries, except for the Ministry of Environment.<sup>15</sup> The public consultation process is conducted on the ENER website, but none of the institutions monitored provide information about this opportunity on their own websites.<sup>16</sup> Publishing documents in open data formats is a practice of sampled ministries, but this is not the practice of subordinate institutions.<sup>17</sup> Furthermore, consolidated versions of all primary laws are not publicly accessible. Several other important datasets, such as public tenders and their outcomes, land registry, company registry or salaries of individual top-ranked ministry officials are not publicly available.<sup>18</sup>

CSOs have been surveyed regarding their experiences in requesting access to information that contains classified materials.<sup>19</sup> Only 8% of them confirmed that in practice the unclassified portions of classified materials are released and 42% consider that most of the time, requested information is released without portions containing personal data.<sup>20</sup> 19% of CSOs also think that when only portions of classified materials are released, it is done to mislead the requesting person with partial information, 29% of CSOs agree that the Ministry of Justice (MoJ) sets sufficiently high standards for the right to access to public information in its practice, the same as those who answered that they “do not know”.<sup>21</sup> In terms of soft measures issued by the MoJ and whether they are effective in protecting the access to information, 23% of CSOs believe that this is true and 21% agree that sanctions prescribed for the violation of the right to free access to information led to sufficiently grave consequences for responsible persons at non-compliant authorities.<sup>22</sup> Namely, CSOs expressed concerns over the staying of deadlines for all administrative procedures, including FOI requests, during the state of emergency. However, in practice, researchers did not experience any delays in obtaining requested information.<sup>23</sup>

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9 Ibid

10 Ibid

11 Ibid

12 Ibid

13 Ibid

14 Ibid

15 Ibid

16 Ibid

17 Ibid

18 SIGMA Monitoring Report, The Principles of Public Administration, North Macedonia, 2021, <http://www.sigmaxweb.org/publications/Monitoring-Report-2021-Republic-of-North-Macedonia.pdf>

19 National PAR Monitor 2019/2020, [https://epi.org.mk/wp-content/uploads/National-Par-Monitor-Macedonia\\_Final\\_eng.pdf](https://epi.org.mk/wp-content/uploads/National-Par-Monitor-Macedonia_Final_eng.pdf)

20 Ibid

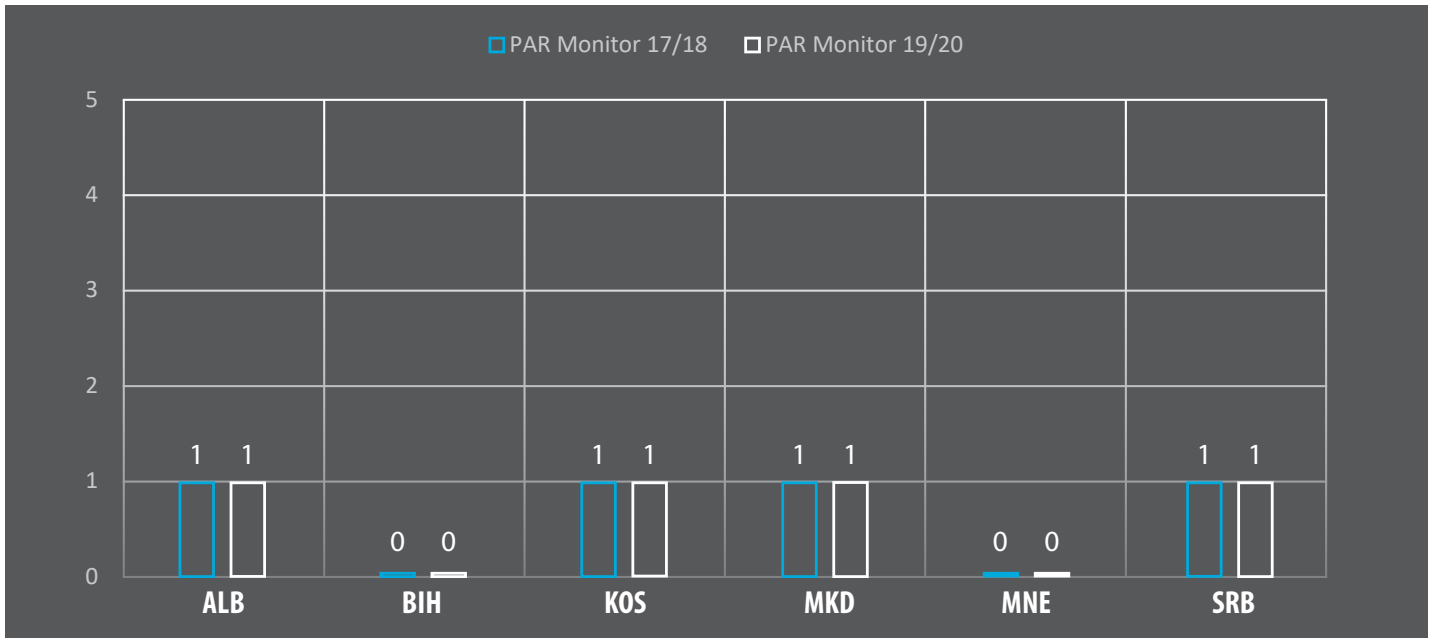
21 Ibid

22 National PAR Monitor 2019/2020, [https://epi.org.mk/wp-content/uploads/National-Par-Monitor-Macedonia\\_Final\\_eng.pdf](https://epi.org.mk/wp-content/uploads/National-Par-Monitor-Macedonia_Final_eng.pdf)

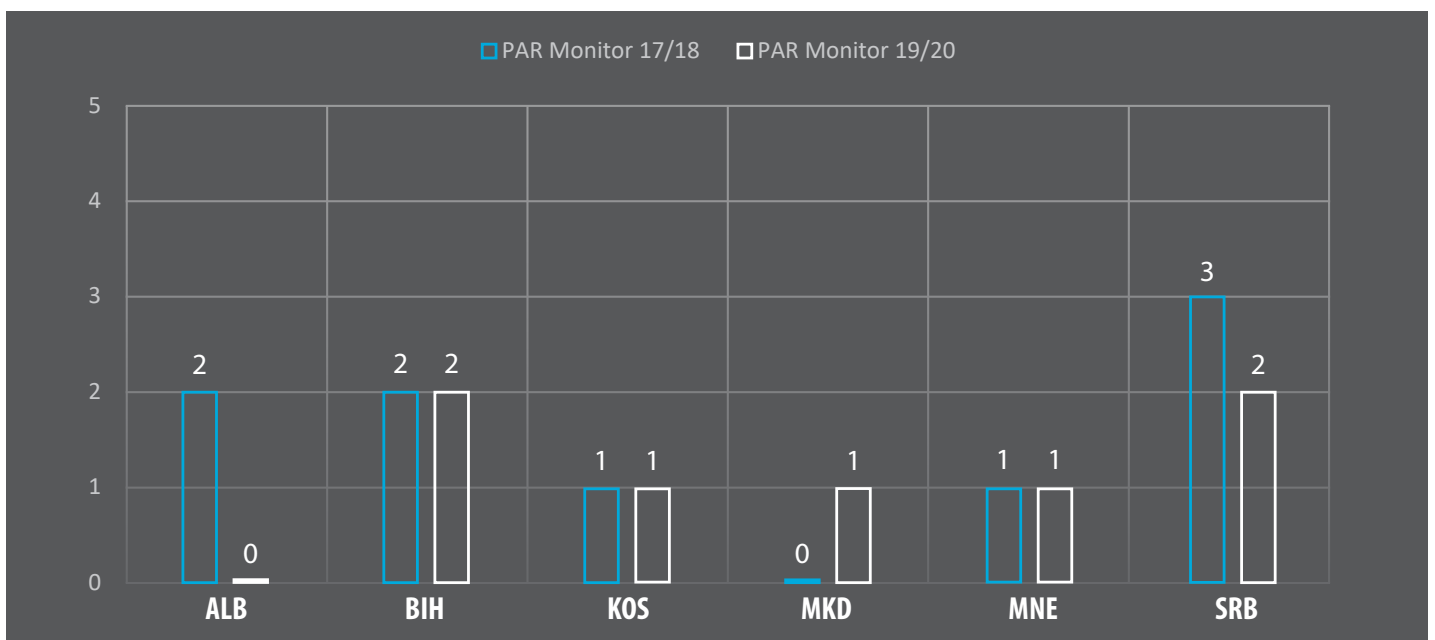
23 Western Balkan PAR Monitor 2019/2020, <https://weber-new.s3.us-west-2.amazonaws.com/wp-content/uploads/2020/05/23203507/Western-Balkans-PAR-Monitor-2019-2020.pdf>

## STATE OF PLAY IN REGIONAL TERMS

*Civil society perception of the quality of legislation and practice of access to public information*



*Proactive informing of the public by public authorities*



RECOMMENDATIONS IN THIS AREA:<sup>24</sup>

- » State institutions, whether they are Ministries or subordinate government institutions (Agencies, Funds), should produce and publish their annual reports about their work.
- » The Official Gazette should be accessible to all citizens, considering the fact that it now requires a paid subscription.
- » The Office of the Prime Minister should be more visible, since at the moment it is embedded on the official website of the Government.
- » State institutions should start appointing contact persons for information about the cooperation with the civil society and other external stakeholders.
- » In terms of open data information, institutions should start publishing datasets in an open format, since many institutions have one or even zero datasets published.

24 National PAR Monitor 2019/2020, [https://epi.org.mk/wp-content/uploads/National-Par-Monitor-Macedonia\\_Final\\_eng.pdf](https://epi.org.mk/wp-content/uploads/National-Par-Monitor-Macedonia_Final_eng.pdf)

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