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## ANNOYING BUZZERS OR PRODUCTIVE BEES? THE ROLE OF CIVIL SOCIETY ORGANIZATIONS IN THE POLICY MAKING PROCESSES IN NORTH MACEDONIA

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**Abstract:** Regulatory impact assessment, since 2019, is a compulsory approach for adopting regulations in North Macedonia. Very small number of laws are being drafted according to the self-imposed methodology by the legislative body, and there is very a little transparency and inclusion of the relevant stakeholders (including the CSOs).

Our main question in this article is what the role of the CSOs/think tanks in the public consultation processes in North Macedonia is. We also ask: what is the level of preparation in terms of human and material capacities of CSOs for participation in the RIA? What are CSOs' objectives regarding their inclusion in the policy making processes and what are the main challenges for active participation in RIA?

In this article we offer a descriptive analysis of the short history of RIA in North Macedonia, we present the methodological approach to the empirical analysis of the original data coming from a survey with representatives of 50 North Macedonian CSOs, we present the main empirical results and we offer final conclusions with policy recommendations.

The first conclusion coming from the data presented in this article is that lack of political will and transparency by the authorities exclude CSOs from the RIA processes. Moreover, the 'abuse' of the shortened procedure for law adoption skips the consultation phase and thus leaves CSOs out of the process. The inclusion of CSOs in the policy making processes, therefore, should be understood by the authorities as a substantial tool for improving the regulations, which shall be reflected in the economic and social improvement in the country. In that course we claim that CSOs should closely cooperate among themselves as well as with the state institutions which should 'open' the administration and create trust between the civil sector and the state.

We argue that the CSOs in North Macedonia lack human and financial capacities to be included in the RIA processes, while at the same time they are very much interested in such activity. Yet, CSOs lack understanding of the importance of their own role in the strategic planning in policy making processes. We, therefore, claim that a more transparent and timely consultation processes could lead to a better inclusion of CSOs in RIA and therefore improve the quality of the legislation in North Macedonia, and in return the countries' EU future.

**Keywords:** Regulatory Impact Assessment, Civil Society Organizations, policy making, consultations, stakeholders, North Macedonia.

### 1. INTRODUCTION. THE REGULATORY IMPACT ASSESSMENT AS A TOOL FOR IMPROVING PUBLIC GOVERNANCE IN DEMOCRATIZING COUNTRIES.

The European Union (EU) struggles with the slow democratization process in the Western Balkans in the course of enlargement. (OECD 2007) A limited body of work acknowledges the so-called 'pathological effects' of Europeanisation, especially in the area of rule of law (Börzel and Schimmelfennig 2017). Laws and regulations are essential tools in the hand of governments to promote well-being and economic growth (OECD 2018a). Despite their importance, laws and regulations come at a price. Along with the expected benefits and the objectives they should achieve, they might impose constraints on behavior and imply a range of costs. These regulatory costs include those attributable to the adoption of a regulatory requirement, including the costs of designing and enforcing developed by the authorities, as well as the costs of complying, which can be taken by business, consumers, government authorities or other groups (OECD 2014).

Against the growing perception that regulatory and legislative inflation suppresses economic activity, in most OECD countries we see attempts to control the overall amount of regulatory costs.<sup>9</sup> (OECD forthcoming) The increasing

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<sup>9</sup>In the 1990s, the Netherlands pioneered the Standard Cost Model (a method to quantify administrative burdens in monetary terms) and initiated a government commitment to reduce administrative burdens by 25% within five years. Most European governments, starting with Denmark, the United Kingdom and the Czech Republic, adopted the approach. Other countries took slightly different approaches and introduced a cap on administrative burdens, zero-growth policy regarding administrative/regulatory costs, or moratoria on regulatory costs. In the last five years, the offsetting of new regulations by

trend towards more empirically based regulation and decision-making, can be best seen in the application of the Regulatory Impact Analysis/Assessment (RIA) methodology in the OECD countries. (OECD 2018a) Some non-member countries have already benefited from this experience as well. Through the Support for Improvement in Governance and Management (SIGMA) the OECD and the European Union aim to strengthen the foundations for improved public governance in EU Candidate and Neighborhood countries.(Vági and Rimkute 2018)

OECD highlights that regulatory policy is one of the main government policy tool for improving societal welfare. It must not only be responsive to a changing environment, but also proactively shape this environment. Without a system in place to update regulations and anticipate new developments, governments will not be able to keep pace with rapid change. In this respect, it is also important to engage citizens and all stakeholders in the development of laws. This will not only increase understanding of how new laws work in practice, but also lead to greater compliance, engagement and trust. Moreover, given the complexity of today's environment, governments cannot address regulatory challenges at the domestic level alone. The quality of laws and regulations in the EU also depends on the quality of the regulatory management systems, both in member states and in EU institutions. (OECD 2019)

The improvement of transparency and public consultation was among the four main objectives concerning regulatory costs and impacts identified by Governments that used RIA. (Rodrigo 2005) In the 2012 recommendations of the Council on Regulatory Policy (OECD 2012) we see once more how the principles of open government, including transparency and participation in the regulatory process, are crucial in order to guarantee that the regulation serves the public interest and is informed by the legitimate needs of those interested in and affected by it. This comprises providing meaningful prospects (including online) for the public to participate in the process of preparing draft regulatory proposals and to the quality of the supporting analysis.Public consultation, therefore, is a cost-effective tool that policy makers rely on to collect empirical information for analytical purposes. (Radaelli and Fritsch 2012)

The practice of transparency of government decision making varies across the OECD and the developing countries even in its minimal form, which implies informing the journalists, interest groups and the wider public about the agenda and materials for the government sessions, and the decision records of the government meetings. (Vági and Kasemets 2017) Stakeholder engagement for primary laws in the EU and OECD countries is in a rising tendency. Namely, the average Index score for the EU countries in 2014 is 2.79 (maximum possible score is 4), and in 2017 is 3.41, while for the OECD countries the 2014 average score is 2, and the 2017 one is 2.2. The non-OECD countries, for which data exists, have on average lesser scores than the EU average. (OECD 2018b)

Strengthening civil society as a domestic safeguard against the backsliding of reforms is a cornerstone of the EU enlargement process. (Wunsch 2018)Civil society organizations (CSOs) are one of the main actors in the democratization reform processes.Transparency and public consultation in democratizing countries, whatsoever, can often be the most neglected part of the RIA due to their insufficient democratic capacity for inclusion of the stakeholders, and their authoritative approach towards policy making. It is exactly the EU non-member states that usually lack behind in the process of improvement of the inclusion of the stakeholders in the policy making process. In some countries, such as Bosnia and Herzegovina or Kosovo, the civil society did not even participate in the consultation for public administration reforms (PAR), and in others, such in North Macedonia or Turkey, there were no approved government planning documents before the PAR. (SIGMA 2017) Therefore, the quality of public consultation related to PAR in the countries of Western Balkans and Turkey receives an average grade of 0.3 out of 2. The extent to which public consultation is used in developing policies and legislation for the Western Balkan countries on average is worse in the Monitoring Reports 2017 than in the 2015, while the average note for the public consultation on public policy indicators is a low 1 (from 0 to 5). (Ibid)

Overall, we could conclude that stakeholders' inclusion in the processes of policy adoption is still a challenge for the democratizing countries, even if the public administration reforms are one of the crucial criteria for EU accession. (Vági and Kasemets 2017) Stakeholders, nonetheless, are not a joint entity that is easy to manage or embrace in these processes. Lobby and interest groups, private entities, civil society organizations and the wider public have all their own unique specificities that need to be taken in consideration when drafting the rules on public consultations. While lobby, interest groups and private entities might have the financial and human capital to effectively participate in the consultation processes, the CSOs (usually through the think tanks) are donor dependent and in many cases lack human resources for constructive and timely inclusion in these processes. Yet, in the developing countries, especially in the EU Candidate ones, think tanks could be the very driver of democratic reforms, and therefore, all

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reducing the existing ones (or variation of the “One-In, One-Out” policy initially adopted in the United Kingdom in 2011) started gaining ground across countries, including Canada, Germany, Korea, the United States, Mexico and France.

the Monitoring Reports put the accent on the importance of the civil society/non-governmental organizations inclusion in the public administration reforms.

North Macedonia is among those countries that (since 2009) apply RIA as a methodology for improving the policy making cycle (RIA Methodology 2013), thus, the inclusion of all the relevant stakeholders in the process (which shall improve the rule of law) is legally secured (Gapich-Dimitrovska 2014). Yet, a very small number of laws are being drafted according to the self-imposed methodology by the legislative body, and very little transparency and inclusion of the relevant stakeholders (including the CSOs) could be seen.

We hereby come to the main research questions for this project. What is the role of the CSOs/think tanks in the public consultation processes in North Macedonia? What is the level of preparation in terms of human and material capacities of CSOs for participation in the RIA? What are CSOs' objectives regarding their inclusion in the policy making processes and what are the main challenges for active participation in RIA?

We shall argue that the CSOs lack human and financial capacities to be included in the RIA processes, while at the same time they are very much interested in such activity. We argue that a more transparent and timely consultation processes could lead to a better inclusion of CSOs in RIA and therefore improve the quality of the legislation in North Macedonia, and in return the countries' EU future. In this article we shall offer a descriptive analysis of the short history of RIA in North Macedonia, we shall present the methodological approach to the empirical analysis of the original data coming from a survey with representatives of 50 North Macedonian CSOs, we will present the main results and we will offer conclusions supported by policy recommendations.

## 2. REGULATORY IMPACT ASSESSMENT IN THEORY AND PRACTICE IN NORTH MACEDONIA

Regulatory Impact Assessment – RIA is defined as a policy tool that is used to make policies effective and efficient by providing affected stakeholders by default with high quality regulation. (OECD 2012) Based on this definition one can easily derive benefits and advantages arising from the introduction and proper implementation of RIA. In brief, RIA's strongest points consist of reviewing regulatory options and choosing the most appropriate ones for the society as a whole, providing clear evidence on its effects, engaging the wide public into consultations with the aim of improving transparency and openness and direct implication in improving government accountability. Moreover, RIA produces significant benefits in national economic growth (by identifying all administrative and regulatory burdens that are obstacles towards economic prosperity), in the quality and transparency of governance, boosting efficiency and effectiveness of the overall public service (Ibid).

RIA in North Macedonia is part of the broader regulatory reform undertaken in 2006. The reform, still in progress, is undertaken in two phases. The so called 'Regulatory Guillotine' takes place in the first phase, while RIA occurs in the second phase.<sup>10</sup> To be more concrete, RIA is part of the project Building Administrative Capacities for EU Integration, Fund for Global Opportunities – United Europe (GOFRE) implemented in cooperation with the Government. Along with Strategic Planning, it falls under the first component Public Administration Reform as Support for Accession Process to the European union. RIA in Macedonia has already become conventional in the policy making process. This is because starting from January 2009 all ministries are obliged to undertake RIA during the process of proposing new laws. Along with the proposal they are obliged to attach a fiscal impact assessment and an assessment of the harmonization of national legislation with EU directives. It is further emphasized that involvement of all stakeholders affected by policies will provide additional information needed for defining new regulations. (RIA Methodology 2013)

Be that as it may, CSOs of North Macedonia have found other channel through which they could contribute to the democratization process in the path to the EU. Namely, the so called 'Berlin Process' appears as a crucial course throughout which the Western Balkan countries should access the European Union.<sup>11</sup> The aim of this process is to strengthen regional cooperation, good governance, increase prosperity via sustainable economic growth by resolving bilateral issues, tackle corruption and organized crime, enhance competitiveness, develop the energy and transport community. Once more, the final declarations of the summits stress the importance of the role of civil society and call for greater engagement in the Berlin Process. CSOs have quickly understood the importance of the initiative and created the Civil Society Forum<sup>12</sup> – a platform that exists since 2015 for monitoring the progress of the initiatives and feed the process with the policy proposals. Some North Macedonian CSOs take active participation in this process as well. Before the Berlin process this practice was already present at national level, where the EU Delegations used to meet with the CSOs. CSOs, whatsoever, through this process have moved to another stage and

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<sup>10</sup> For more on the process of reforms in public administration see: <http://mioa.gov.mk/?q=mk/node/2103>

<sup>11</sup> For more on the Berlin Process access here: <https://berlinprocess.info>

<sup>12</sup> For more on the Civil Society Forum access here: <https://berlinprocess.info/about/#csforum>

earned regional recognition as independent non-governmental stakeholders that strive for the democratization of the countries.

In spite of all the legal provisions for adoption of laws based on evidence, therefore, effective consultations with the civil sector in the policy making processes, the European Commission's Report on FYR Macedonia of 2016 assessed the quality of the mandatory RIA process as weak, the procedures as only formally applied, and the preparation of an analysis of the financial impact as neglected. (EU Commission 2016) Only 7% of the laws adopted in 2016 in the Parliament, and for which there is a legal obligation to develop RIA have been published on the national electronic regulations' registry - ENER. (Bliznakovski 2017) The EU Commission's Report in 2019 (EU Commission 2019) indicates that evidence-based policy and legislative development are only partially ensured. Administrative data collection and consistent use of data for decision-making need to be strengthened, the quality of RIAs has slightly improved, while budgetary impact assessments are still either missing or they are not comprehensive. Moreover, inter-ministerial consultations need to be properly integrated in the process. Regarding public consultations the Commission assesses that they have improved through the national electronic consultation system and that the government's proposals to use shortened and urgent procedures for adopting legislation have significantly decreased. (Ibid)

The 2019 Government program stipulated an annual report on the improvement of the RIA for the period of January – December 2019. One annual and two semiannual reports were prepared (the first semiannual report is from 2018) which should provide an upgrade to the RIA process.<sup>13</sup> This should ensure compliance with the basic principles of good governance by achieving greater transparency and openness in the preparation of the Draft Laws, their effective and efficient implementation, and increasing of Government's accountability. While we see a positive movement towards better implementation of the RIA methodology by the legislative body, we also witness challenges in direction of inclusion of the CSOs in the consultation processes stipulated within RIA. Therefore, the next section should analyze the main challenges, objectives and capacities of the CSOs in their endeavors of becoming an active partner in the policy making process.

### **3. THE CHALLENGING PATH OF CSOs TOWARDS ACTIVE PARTNERSHIP IN THE POLICY MAKING PROCESSES IN NORTH MACEDONIA**

As introduced in the previous sections, transparent policy making processes are crucial for timely, effective and continuous inclusion of CSOs in the RIA. Nonetheless, the civil society in North Macedonia is donor dependent and, therefore, limited in resources for the purpose of active participation in the policy making processes which are cyclical and require high level of expertise, and both continuous and ad-hock involvement. When it comes to their active involvement in the policy making cycles, we argue that CSOs lack human capacities, finances, material resources, as well as information, networking and clear vision of their role in the RIA methodology.

In this section we offer insights in some of these aspects of the capacities of CSOs in North Macedonia for effective involvement in the RIA processes. We present the results from a survey conducted in May 2018 among 50 CSOs in the country.<sup>14</sup> (Rizankoska and Trajkoska 2018) We have gathered very relevant information coming from CSOs of different size, main operating area, and main field of action. (See Table 1.a-i)

When asked to assess the capacities and the interest of North Macedonia's CSOs to be part of the policy making processes in the country, therefore the RIA methodology, three clear enquires were made (Figure 1). First, CSOs' human resources are lesser than their willingness to build the capacities in future. Second, less than the half of the CSOs have RIA and the policy making process in their work focus, while 70% would like to focus on it in future. Finally, the future goals regarding inclusion of CSOs in policy making processes in the country are greater than the actual capacities and focus.

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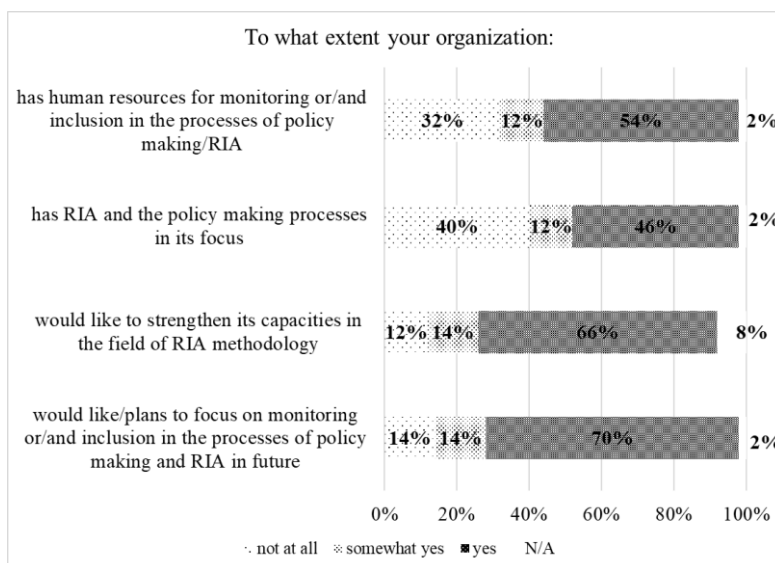
<sup>13</sup>First semiannual report on implementation of the Public Administration Reform Strategy and Action Plan for the period of 2018-2022 made by Ministry of Information Society and Administration, September 2018

<sup>14</sup> The survey is part of the project 'Impact Assessment on the Regulation of the Use of Languages' implemented by DIALOGUE Center for Deliberative Democracy, funded by the EU, IDSCS and CEA. For more visit: <https://pvrupotrebanajazicite.cddd.org.mk/civil-society-organisations/> ;

*Table 1. (a-i.) Characteristics of the CSOs included in the survey*

<b>a. CSO's registration place (1)</b>		<b>g. CSO's primary field of action</b>	
Periphery	46%	Good governance (democracy, human rights, rule of law)	48%
Center	54%	Education, science and research	30%
<b>b. Years of existence</b>		Civil society development	22%
up to 5 years	13%	Children, youth, students	22%
6 to 10 years	11%	Health protection	16%
11 to 20 years	13%	International relations and European integration	12%
over 21 years	8%	Environment and natural resources	12%
<b>c. Number of people currently working</b>		Migrations	10%
up to 5	56%	Discrimination and marginalized groups	10%
from 6 to 10	26%	Women/ gender issues	10%
from 11 to 19	14%	Culture	10%
from 20 to 50	4%	Social and humanitarian issues	6%
<b>d. CSO's primary operating area</b>		Special needs people	4%
Local	16%	Employment/business and professional special interests	4%
Regional in Macedonia	10%	Other	4%
National	44%	Elections and electoral processes	2%
Regional out of Macedonia	14%	<b>h. Most used methods for achieving the goals and the mission of the CSO</b>	
International	16%	Research/analysis/publications	66%
<b>e. Capital flow in 2017, in EUR</b>		Other activities	56%
up to 2 000	22%	Training and education	56%
2 001 to 5 000	16%	Lobbying and advocacy	40%
5 001 to 10 000	14%	Consultations/ debates	34%
10 001 to 50 000	14%	Awareness raising campaigns	30%
50 001 to 100 000	6%	<b>i. Respondent's position within the CSO</b>	
over 100 000	28%	President/Director	50%
<b>f. Is the CSO part of a network?</b>		Project Coordinator	18%
Yes	60%	Researcher	10%
No	40%	Head of a sector	10%
		Volunteer	8%
		Other	4%

*Figure 1. CSOs' capacities for active participation in RIA.*

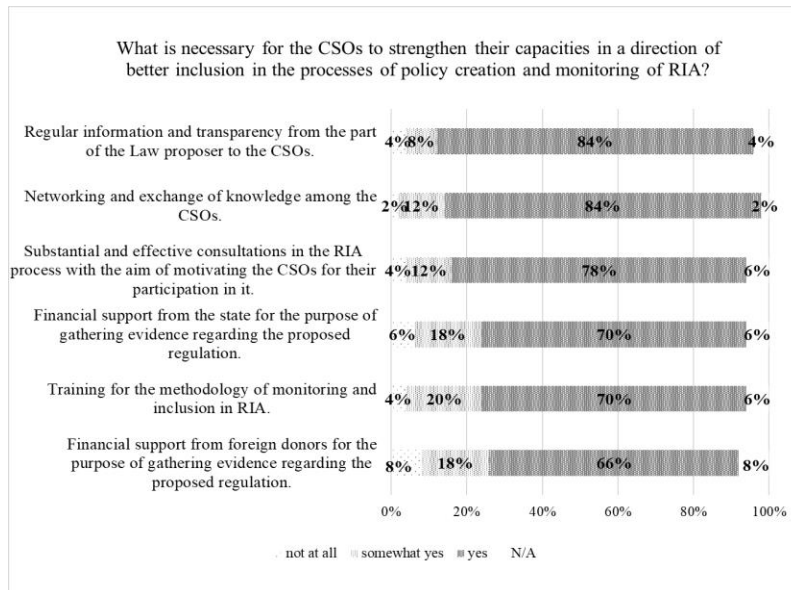


When correlated to the CSOs main characteristics, some further conclusions can be drawn. First of all, naturally, there is a positive correlation between the CSOs with higher human resources for inclusion in the RIA processes and those who already have RIA in their focus (Pearson' 0.745) and would like to strengthen its capacities in the field of RIA (0.5196). However, those who already have human resources does not necessarily plan to focus on RIA in future (0.2495). On the other hand, those who obtain human resources are

positively related to the CSOs with higher capital flow in 2017 and are part of a network. While the causality would logically go from higher financial capacities to higher human resources, the multi-correlation between the capital flow (0.5509), and networking (0.469) implies that the path towards strengthening of CSOs' capacities (both human and financial) goes through networking.

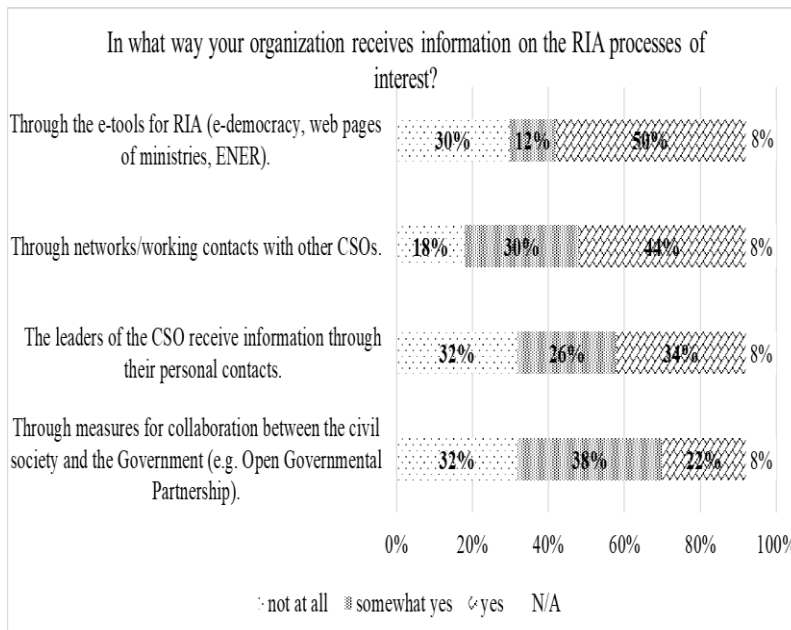
Additionally, we can find weak negative correlation (-0.1061) between those CSO that would like to strengthen its capacities for RIA and the place of registration, which indicates that peripheral CSOs need to strengthen their capacities for the RIA methodology and their general capacities for active participation in the policy making processes. The same can be said for the CSOs that have highest operating area at local level, which is more visible in the negative correlation (-0.1455) between the CSOs that would like to focus on RIA in future and the highest operating area. Finally, younger CSOs are found to be needing more capacity building than older ones (-0.1356).

**Figure 2: Necessary conditions for CSOs to strengthen their capacities in a direction of better inclusion in the RIA methodology and policy creation processes.**



The question addressing the necessary conditions for CSOs to strengthen their capacities in a direction of better inclusion in the RIA and policy creation processes clearly demonstrates a clear need for improvement of the conditions. To start with, information and transparency of the proposer of the Law and network and exchange of knowledge on the process among the CSOs organizations are assessed as most necessary conditions for capacities' reinforcement.

**Figure 3. In what way your organization receives information on the RIA processes of interest.**



Then, CSOs believe that substantial and effective consultations in the RIA process will motivate them to participate more in those processes. Financial support from the state for the purpose of gathering evidence regarding the proposed regulation and training for the methodology of monitoring and inclusion in RIA is assessed as very important as well (70% of the CSOs said yes to the question in Figure 2). Although very important, financial support from foreign donors for the purpose of gathering evidence regarding the proposed regulation is considered less important compared to the previously mentioned aspects (especially compared to state financing). The electronic tools and contacts with other CSOs are among the most used

channels for information gathering on RIA, while personal contacts of CSO's leaders and measures for collaboration between the civil society and the Government (OpenGovernmental Partnership), are somewhat less used. (Figure 3.) The organizations are asked to evaluate to what extent some factors may explain the previously mentioned negative evaluation on the RIA implementation by the European Commission for 2016.

As we can see from Figure 4, factors that explain it the best are the lack of political will for respect of the RIA process and the low quality of public administration (civil servants are not trained for RIA). Weak financial capacities of the institutions responsible for the implementation of RIA, lack of databases in the service of the RIA instrument, failed public consultations due to the short period and unpopularity of public consultations due to non-transparency and poor information of stakeholders are all considered important factors by more than 50% of the organizations. In general, CSOs see a very low level of inclusion of the civil society and the relevant stakeholders in the policy making processes. They think that CSOs are not at all comprehensively and continuously included, while they believe, albeit with a generally low level of frequency, that CSOs are regularly and timely included. (Figure 5) Finally, CSOs were asked to assess the importance of various aspects for the adoption of a good law/regulation (transparency and actual inclusion of the stakeholders in RIA, overcoming party-political motives that would prevent adoption of good law, assessment of the social impact on laws, law's cost and benefit analyses and impact on the environment, compliance with all RIA procedures, proportionality between analysis before the law adoption and its supposed impact on the society, compliance with the EU legislation and quality of the strategic planning before the RIA.) All these aspects were assessed as very important by more than half of the CSOs (more than 66%). Nonetheless, transparency and actual inclusion of the public and the stakeholders in the process is the most relevant aspect. Very close to this is the importance of overcoming party-political motives that would prevent adoption of a good quality law. Both aspects speak about the effect of the already mentioned slow democratization process on the quality of the legislative processes. What is curious is that CSOs detect the compliance with the legislation with the EU and the quality of the strategic planning before the RIA as the least important aspects. This indicates that CSOs believe that the good law does not necessarily reflect EU's legislation. Moreover, if the relevant stakeholders are included in the drafting process and the law is evidence-based rather than merely party motivated it shall contribute to the democratic advance of the legislative processes in the country.

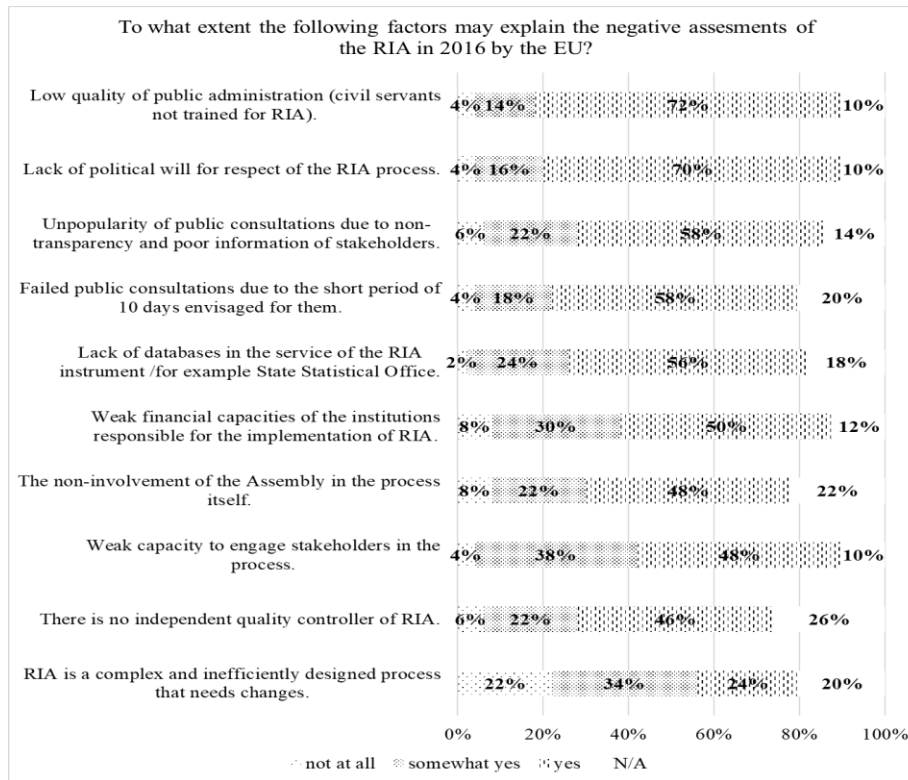
#### **4. CONCLUSIONS AND POLICY RECOMMENDATIONS: CSOs TO BECOME PRODUCTIVE 'BEES' RATHER THAN BARE 'ANNOYING NOISEMAKERS' IN THE PROCESSES OF POLICY MAKING.**

A systematic and thorough analysis of the issues that laws should regulate is usually a costly procedure, requires significant human capacities and it is time consuming. Nevertheless, it is the only way towards effective legislation that should serve as the base for good governance and rule of law. North Macedonia has made the first step towards better (evidence based) legislation by adopting the RIA methodology. (RIA Methodology, Gapich-Dimitrovska 2013; Risteska 2013) However, the implementation of the obligatory RIA for each law albeit improving is not yet satisfactory. Over 92% of the proposed legislations in the North Macedonian Assembly come from the Government, while an insignificant percentage of regulations respect the obligation for RIA. Even laws that follow the shortened procedure (not the urgent procedure for which, according to the law, RIA is not necessary) do not provide RIA reports. (Assembly of RM 2013; Gapich-Dimitrovska 2013, 5; Shikova 2017, 4) Inclusion of all relevant stakeholders in the consultation processes, therefore, is usually omitted. State institutions, which are generally very closed, treat CSOs (one of the most relevant stakeholders) as 'annoying noisemakers' rather than active participants in the policy making processes.

Furthermore, North Macedonia has no human and financial capacities for effective inclusion of CSOs in the RIA process. CSOs that are part of a network have higher capital flow and better human resources. Therefore, the state should furthermore invest finances and knowledge in the civil society sector as it can improve the RIA consultation phase in terms of effectiveness and time management. As it could also be seen in Figure 2, state funding for CSOs is more important than funding from international donors, as CSOs are already donor dependent and their actions depend less on their own missions and visions and more on the donors' programs. Thus, in order to actively participate in RIA, CSOs need more regular financial support that would enable them to continuously tackle questions of direct interest rather than ad-hock donation programs determined by third parties. The challenge coming from the very short period of 10 days for consultation with the stakeholders could be surmount by advancing CSOs' capacities and, above all, by providing them with a timely and continuous information on the proposed regulations.

The first conclusion coming from the data presented in this article is that lack of political will and transparency by the authorities exclude CSOs from the RIA processes. Moreover, the 'abuse' of the shortened procedure for law adoption skips the consultation phase and thus leaves CSOs out of the process.

**Figure 4. To what extent the following factors may explain the negative assessments of the RIA in 2016 by EU?**

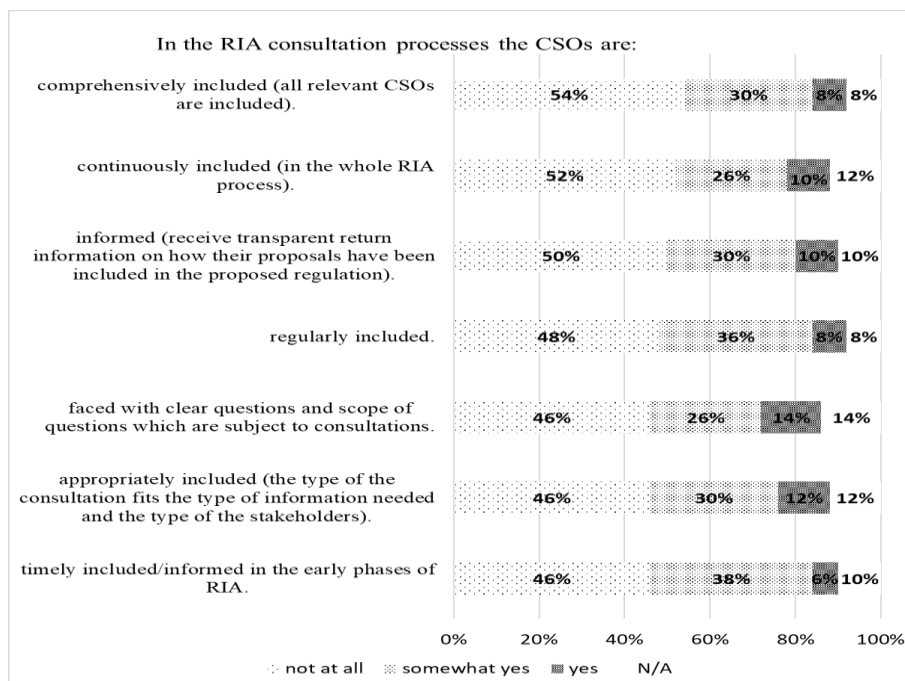


The inclusion of CSOs in the policy making processes, therefore, should be understood by the authorities as a substantial tool for improving the regulations, which shall be reflected in the economic and social improvement in the country.

Although this year an improvement could be noted in terms of decreased use of the shortened procedure for law adoption, the ongoing political crisis in the past decade makes this aspect of the good governance and rule of law somewhat neglected by the media and the wider public. Thus, the deadlines of RIA are usually not respected, and yet no public reaction could be usually seen.

Transparency and actual inclusion of the public and the stakeholders in the RIA process has been stressed by the CSOs as one of the most important aspects for creating a good regulation. Improving transparency could be done by a more active promotion of the e-tools as a quick and effective way to obtain information. Therefore, the Ministry of Information Society and Administration (responsible for giving an opinion on the draft RIA report (Gapich-Dimitrovska 2013; Shikova 2017)) could timely and more regularly inform and remind CSOs on the given deadlines on proposed legislations. Moreover, all relevant ministries could provide information on the proposed laws on their web pages

**Figure 5. Are CSOs included in RIA consultation processes?**



According to the CSOs, the most important factor for negative EU Report on the RIA implementation in 2016 is the low training of civil servants (public administration) for the RIA methodology. One effective way of achieving faster capacity building of the CSOs is through networking among the very organizations. Yet, capacity building and networking between the CSOs and the state institutions (especially the ministries as the most frequent law proposals) would more effectively strengthen both the CSOs'



capacities regarding RIA and the civil servants' ones. It would, moreover, bring a more efficient public-private partnership. This is another way to boost transparency and accountability from the authorities because it should lead towards 'opening' of the very closed government for the public and the stakeholders. In this regard, those CSOs that have already obtained 'know-how' on the RIA methodology could be engaged in the ministries in order to train the employers working in the RIA teams/sectors. This in return could, once more, serve as a tool for improving the collaboration and the trust between the now 'open government' and the more productive civil sector. This is the way for the state institutions to recognize the CSOs as 'productive bees' rather than just 'annoying buzzers'.

Finally, the best way to improve the very RIA process, and therefore, to include the CSOs as active partners in the consultation process, is to start using the ex-post RIA. (Risteska 2013) Evaluating an existing regulation could serve as the best starting point for improving the law and offer improvements that would be evidence based. Be that as it may, from Figure 6 we see that CSOs do not take strategic planning before RIA as crucial factor in order to improve the legislative process. This could also mean that they undermine their own role in the very process. Ante or ex-post strategic planning depends on thorough analyses where CSOs could play crucial role. Therefore, it is of a crucial importance that the very CSOs understand their own role in the policy making processes. The same logic could be related with the fact that CSOs do not consider the compliance of the laws with the EU regulation as very important. Bottom line, the CSOs as well as the government and the legislators should not forget that compliance with the EU legislation is not a pro-forma way of negotiating the entry in the EU. It is rather a substantial tool for achieving rule of law and good governance, therefore enable societal welfare and economic growth.

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