

CHALLENGES and PERSPECTIVES



**10th JUBILEE PUBLICATION
OF THE CENTER
FOR CIVIL COMMUNICATIONS**

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INTRODUCTION

Center for Civil Communications entered the second decade of operation. Instead of publication that summarizes previous performance record, multitude of projects implemented and research analyses conducted, publications issued and changes encouraged and triggered with our committed work on greater transparency, accountability and responsibility on the part of state authorities, CCC's team decided to celebrate this milestone differently. Namely, we asked several connoisseurs of affairs in each of our areas of operation, as distinguished and profiled experts, to make precise dissection of state-of-affairs from within, i.e. to present matters at this point in time in 2016. Areas covered by their analyses include: civil society, transparency, anticorruption, public spending and investigative journalism. Insights and analysis in said areas should serve us as 'benchmarks' or 'baseline' for further efforts and development in the years to come.

In parallel with new challenges, the Center for Civil Communications will remain committed to building upon what has been achieved thus far: hundreds of measures were recommended with a view to improve situations in respective areas of operation; seventy research analyses were conducted and published; two hundred training sessions were organized and delivered for several thousand representatives of media, non-governmental organizations and public institutions; hundred publications were printed (research analyses, recommendations, policy briefs, manuals, etc.), etc. Throughout our years of operation, we directly monitored more than three thousand tender procedures; surveyed

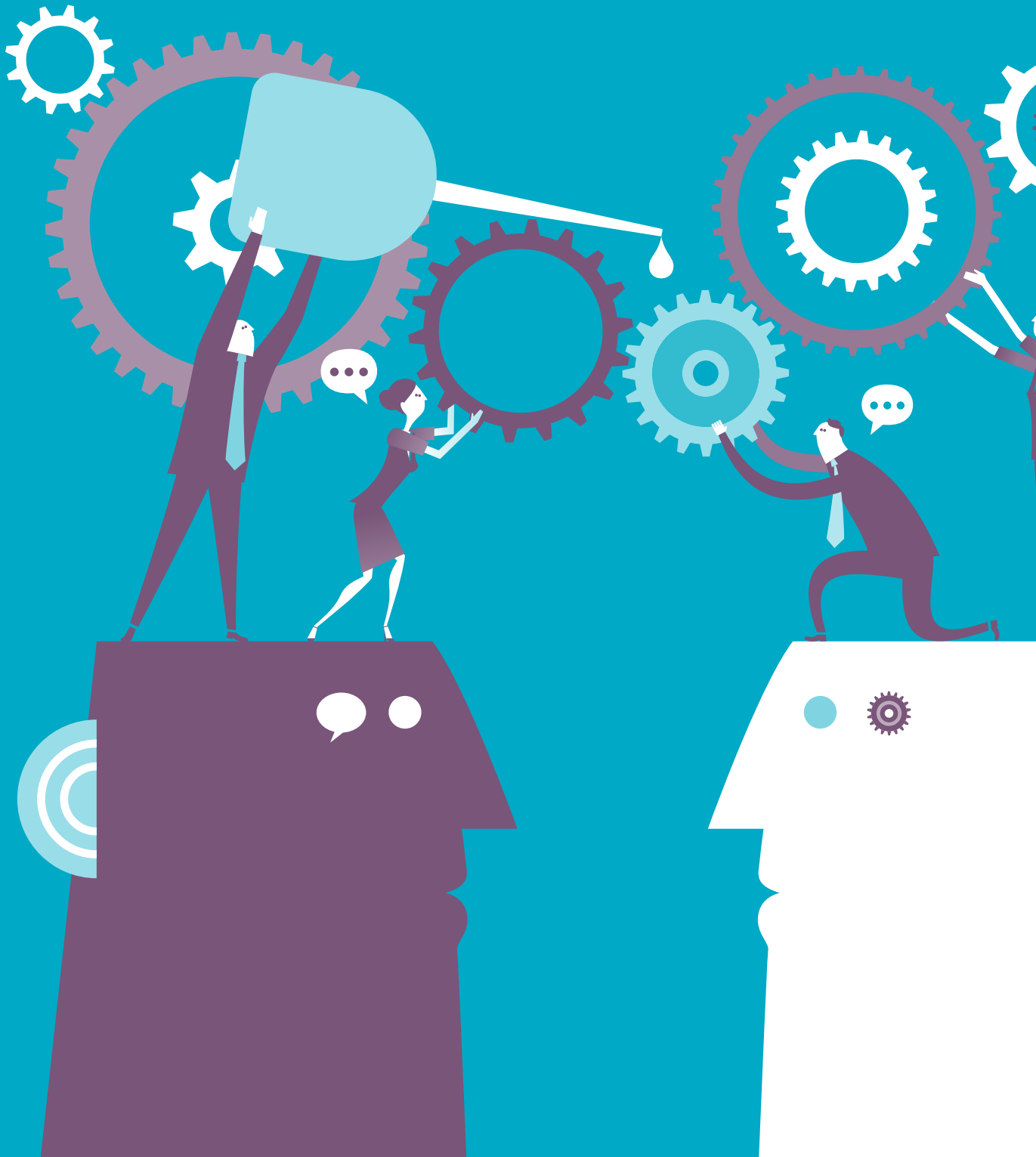
more than two thousand companies, thousands of citizens, civil society organizations and journalists; provided direct assistance to around six hundred microenterprises to improve their operation; closely cooperated with around fifty municipalities and hundred different institutions; partnered for project implementation with fifteen non-governmental organizations from the country and abroad. Hundreds of recommendations and results from our research analyses have been integrated in relevant legislative changes, recommendations and observations made by other domestic and international organizations, and triggered series of changes and improvements in practice.

CCC's method and areas of operation (good governance, anticorruption, economic development and media) remain the same. Special focus will be put on collection, processing and making publicly available database comprised of information that are relevant for day-to-day life and work of citizens. By doing that, we want to contribute to global trends on opening data for the public, which is deemed necessary for greater transparency and democratic control of public authorities, essential and meaningful participation of citizens in policy- and decision-making, promotion of private and entrepreneurship initiatives and innovation, improved public services, etc.

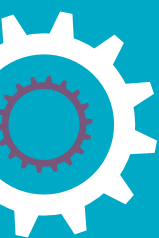
Authors of individual texts accommodated in this publication deserve our sincere gratitude for their contribution; and all of you have our greatest appreciation for the support, cooperation and inspiration.

DEMOCRACY

and



CIVIL SECTOR IN MACEDONIA



Democracy is “government by the people, where sovereignty is vested in the people and is exercised by them directly or indirectly, through their elected representatives...”

BESIM NEBIU

1.

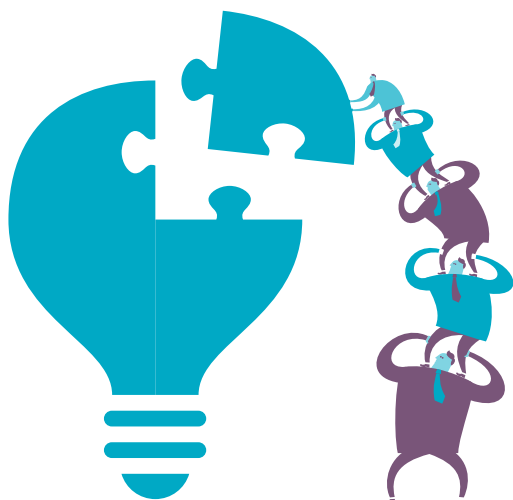
In 1991, Macedonia entered the project on transforming itself into modern democratic society, void of serious democratic background and almost no democratic experiences. The process on transforming multi-cultural Macedonia into modern European society started from point zero. This project was pursued under circumstances when the former state was disintegrating and at times of two wars in progress.

In most countries from Central and Eastern Europe, such as Poland, the Czech Republic and Hungary, respective narratives on democratic transition in the early 90s were closely linked to certain memories of historic periods (or episodes) of democracy and, as such, was experienced by their citizens as return to democracy after almost 50 years of single-party systems. In these countries, the fall of the Berlin Wall, i.e. transition from single-party system to pluralism was – to great extent – triggered, encouraged or channelled by strong and mass protests led by dissident, civil and student movements or by trade unions, as was the case with **Charter 77** (of Vaclav Havel) in Czechoslovakia, **Solidarity** (of Lech Walesa),

or democratic front comprised of students and civil movements in Hungary.

After the first free elections, these democratic fronts were transformed in one of two forms: some of them transformed into new political parties (with different provenience and ideology), while others maintained their civil character and formed the nucleus of civic activist and non-partisan sector comprised of vast number of non-governmental organizations, informal interest groups, think-thanks, watchdog organizations, etc. attracting and organizing free-minded citizens from the former system.

Thus, the civil society was transformed into space in which free-minded citizens communicated among them and with authorities, instead of forming pool of organizations registered in compliance with laws on foundations and non-governmental organizations adopted in said countries. In the capacity of individuals, this civil sector was joined by vast number of dissidents, artists, journalists, writers and activists who had previously commented or criticized the rule of single-party governments. They were joined by large number of students, young people, labourers, citizens... In the newly-created systems, together they publicly and openly formed fronts that freely commented, warned or opposed policies and actions of new authorities, without fearing repercussions of any kind or form. Finally, the civil society would be incomplete without free media: portion of former anti-authoritarian activists found their new social engagement in newly established media which, instead of government propaganda, disseminated actual news and information. All these elements, slowly but surely, contributed to creation of democratic environment in countries from the so-called “New Europe”.



2.

In Macedonia, as in most countries from former Yugoslavia, the process on democratic transition was pursued under different circumstances and dynamics. Due to an array of historical circumstances, such as poor democratic tradition, and the timing, which overlapped with Yugoslavia's tragic disintegration, democratization took place in parallel with the state's declaration of independence. Hence, decision to change the system in 1990-1991 was actually taken by means of several agreements reached in office-like environment, instead of being result of citizens' pressure for more freedom and democracy. Given these circumstances, which implied "controlled" process of democratization in Macedonia, development of the civil society did not follow the same trajectory as those observed in Central and Eastern Europe.

The system change did not happen as a result of major civil pressure for more freedom and democracy or mass protests organized against political order in the state. CSOs, in the form of pro-democratic platforms demanding democratization and promoting democratic values did exist, but were few in number and barely visible in public. Although free and critical journalism did exist, mainstream media were under strong control by the authorities. In parallel, majority of newly-formed civic movements were created along identity lines (ethnic, religious, regional) and defined democracy on the basis of similar parameters. Change from single-party system to pluralism did not emerge from mass and strong civil society and did not create a civil sector that would act as strong and relevant democratic corrective to authorities.

In early 90s, the civil sector provided shelter for old, but transformed "social organizations" that had been created under the previous system. They are heterogeneous group of former "social organizations", some offering social services or other benefits to their members or

constituencies. More specifically, this group includes membership organizations, associations, guild organizations, self-help groups, social support groups, etc.

Newly established "non-governmental organizations" became new members of the new "NGO" sector. In particular, they implied establishment of human rights organizations (predominantly in Skopje and other bigger towns), environmental protection associations (in all towns across Macedonia), women organizations, organizations for protection of minority rights, etc.

Given these circumstances, which implied "controlled" process of democratization in Macedonia, development of the civil society did not follow the same trajectory as those observed in Central and Eastern Europe.

At the same time, students, youth and women movements operating under the former ideological "umbrella organizations" from the previous system (Youth Council, Students Union, Women Organization) were freed from their respective ideology definitions and transformed into new post-socialist "umbrella organizations" or networks.

In the first days of democracy in Macedonia, the NGO sector represented a sum of vast number of small, but unconnected organizations with relatively limited organizational and operational capacity and resources. Forms of support from the previous system (budget funding, earmarked funds and sponsorships) for the most part ceased to function, resulting in discontinued activity by large number of organizations.

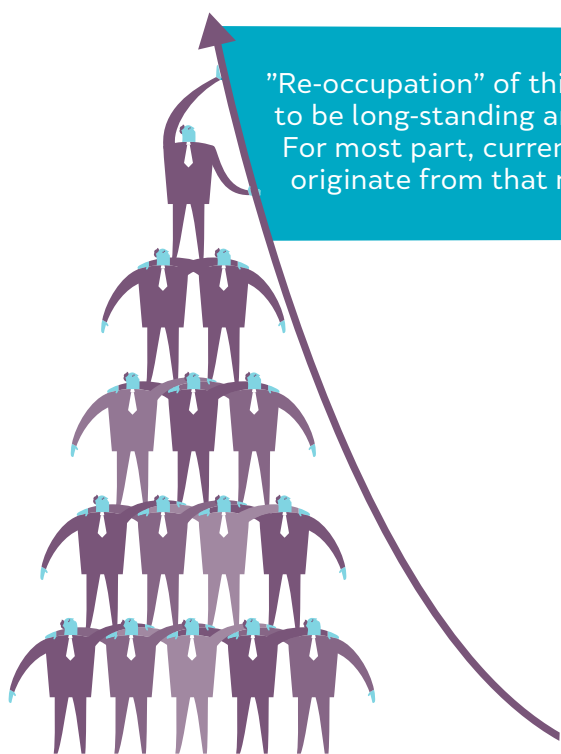
At the same time, first domestic organizations for NGO support were established, including the Foundation Open Society Institute – Macedonia (FOSIM) in 1992 and the Macedonian Centre for International Cooperation (MCIC) in 1994, together with the emergence of first international programmes for civil society development (financed by USAID, DFID, SDC, UN, EC, etc.)

Unlike their Eastern European counterparts, majority of NGOs in the 90s avoided “political topics”. As a result, new speech was created wherein “policy” was equalled to “politics”. Hence, all topics considered to be politically controversial were defined as “political”. Moreover, they were avoided both by civil society organizations and by their domestic and international donors. In parallel, perception was created that policies are matter of political parties, and not of citizens organized into civil society organizations.

In that, it seems that in the 90s when democratic Macedonia was being constituted, the NGO sector missed an opportunity to legitimize itself as essential pillar of democracy in the country. Instead of developing itself into

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massive sector that would be a relevant political factor, this sector was comprised of great number of segmented, small NGOs marked by relatively small number of members, supporters, activists and constituents, and relatively non-existing appetite to actively and vociferously comment or oppose political processes in the country. That resulted in creation of “vast and unlimited” space for political parties and their interests to occupy the political arena in Macedonia. In turn, politicians were more that joyous to occupy this space. “Re-occupation” of this civil space by the civil sector would later prove to be long-standing and painstaking process, continuing to present day. For most part, current democracy deficits and defects in Macedonia originate from that missed historical opportunity.



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Creation of the civil sector in that manner (process I witnessed first-hand in mid 90s as student engaged in one civil society support programme in Macedonia) did not bring comprehensive “bottom-up” democratic development.

That civil society had satisfactory number of registered NGOs, followed by development of first “NGO legislation” in the form of the Law on Citizens’ Associations and Foundations (adopted in 1998) and emergence of solid number of efficient and professional organizations, which are of extreme importance for this sector even today.

3.

Another problem was the voice of this sector, or more specifically timidity demonstrated by the “third pillar of democracy” to openly comment policies and to engage in open confrontations with authorities, as a result of which large portion of policies and important state and societal decisions were left in the hands of remaining two pillars - politics and business interests.

In 1996, Macedonia adopted the first Law on Territorial Organization and the Law on Local Self-Government. By means of this legislation, previously existing 34 municipalities with broad competences and resources were transformed into more than 120 municipalities with significantly downsized competences and budgets. In that, Macedonia became one of the most centralized countries in Europe, with enormous power concentrated in the central government. Authority and power was taken away from municipal structures, reducing the role of local governments to services for central authorities, i.e. central party bodies. Here it should be noted that the new law was agreed among political parties, which were led by “ethnic interests” instead of economic, demographic or democratic interests. Said agreement between the political parties sitting in the government coalition at that time (SDSM and PDP) was debated within the frame of so-called “academic discussion”, while the civil sector had no role or influence in the matter.

In democratic societies, revoking or increasing competences of local government is considered tectonic event of primary political importance, preceded by democratic debates. In Republic of Macedonia, debate on its territorial organization and degree of local autonomy back in 1996 happened almost without any consultations with citizens and CSOs.

That established bad practices on substituting democratic debate, where the voice of civil in-

terest groups and holders of rights is listened to, with an “expert” dialogue. Sometimes these groups are party-instructed satellites posing as “civil interest groups”. In parallel, authorities turned to the civil sector in search of experts and/or consultants, handpicking those that prove to be “cooperative” at all and any times, i.e. those who never openly and unbiasedly comment or criticize performance of the government. By doing so, they comply with requirements imposed by the international community to consult the civil sector, while avoiding headaches of having to deal with those that demand “too much”.

Full and utter insistence on amicable tactics and avoidance of open criticism limits the civil sector’s role in terms of providing expert and consultation services.

In democratic societies, giving advice to government is not the civil society’s primary role, but merely one of many instruments to influence political decisions. Governments are responsible for decision-making, but citizens have the right to criticize and oppose them, in open and unbiased manner and without fear of repercussions.

In that, it should not be understood that the civil society should not hold expertise and give advice to governments, but that full and utter insistence on amicable tactics and avoidance of open criticism limits the civil sector’s role in terms of providing expert and consultation services. Under such conditions, governments are more prone to choose to engage in dialogue only with “constructive” CSOs, and ultimately start organizing them.

4.

1999 war in Kosovo and resulting refugee influx created political instability in the Republic of Macedonia. Having in mind the society's division along ethnic lines, citizens' reactions to the war itself were also deeply divided. Equally divided (along ethnic lines) were their reactions to effects created by the war (refugees and security risks). All that created internal tensions and instability. In that situation and for the first time, the civil sector demonstrated serious leadership, acknowledged by international organizations that had representative offices in Republic of Macedonia at that time. Large number of NGOs was directly involved in activities to support management of the humanitarian aspect of the crisis. In addition, the civil sector assumed active role in promoting the climate of interethnic tolerance and understanding, thus making direct contribution to decreased ethnic tensions in Macedonia. In that regard, acknowledgement should be given to MCIC's campaign "*Whole is When There is Everything!*", implemented in cooperation with large number of NGOs from Macedonia. This campaign's moto became recognizable in everyday language and is used even nowadays as synonym for understanding and cooperation. At the same time, that campaign marked the first, more serious presentation of civil society organizations before the citizens.

Significant public legitimacy of the civil sector happened during the 2001 armed conflict – period when first multi-ethnic civic platforms were established and called for cease of armed conflict in the Republic of Macedonia and for consolidation of democratic processes, through dialogue and interethnic cooperation and understanding. This marked start of processes for creation of horizontal forms of association among CSOs around joint ideas and interests (peace, non-violence, intercultural cooperation), and the first more serious treatment of “political topics”, i.e. controversial

political topics (beyond the ethnic discourse) – issues that most CSOs considered to be taboo.

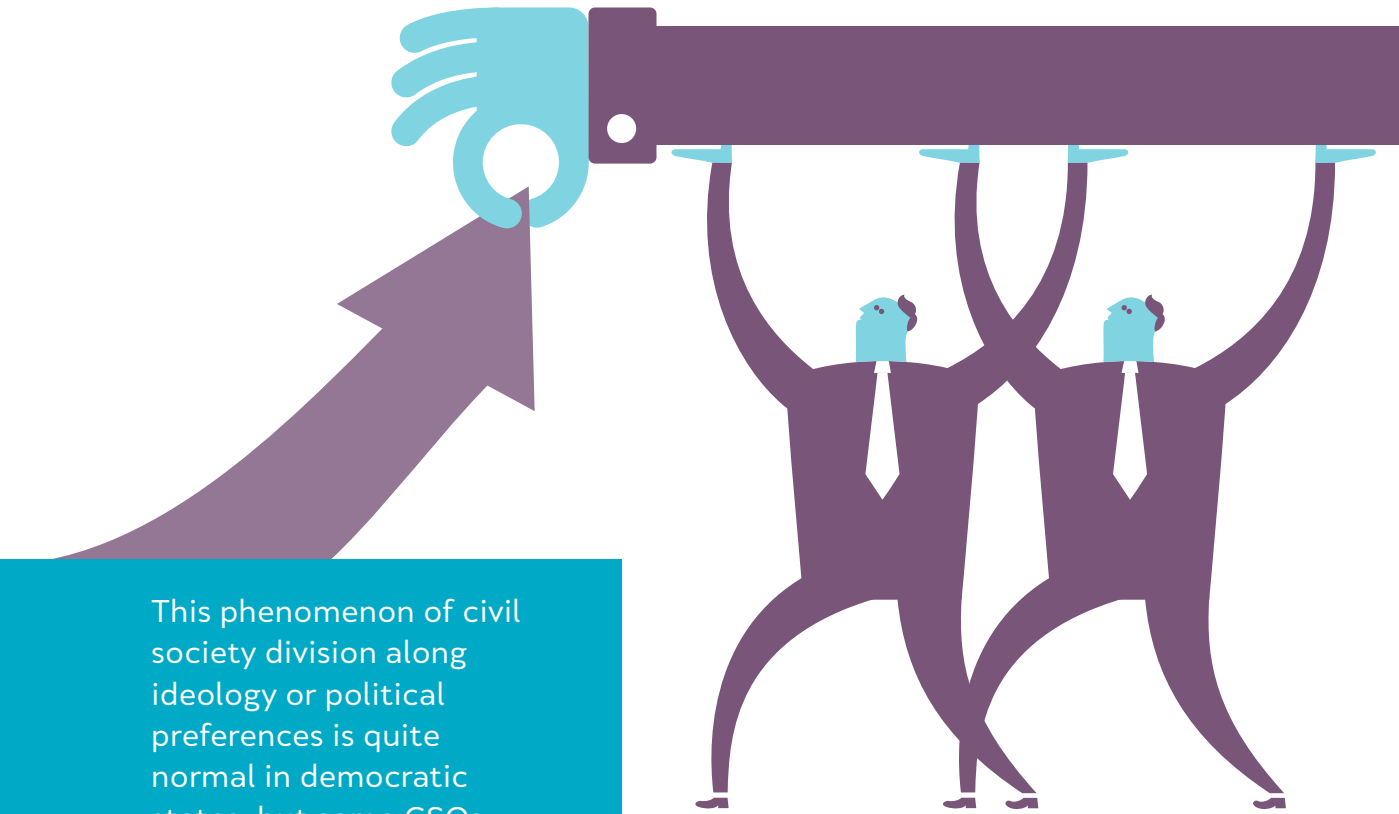
In the period leading to 2002 elections, some of these civic platforms (for example, the Civic Platform “*Enough!*”) for the first time assumed political views and positions, openly and loudly criticizing politics pursued by one of the biggest political parties. First “ideological and political” division within the civil sector happened in response to political positioning by part of the civil sector vis-à-vis party politics in election cycles.

This phenomenon of civil society division along ideology or political preferences is quite

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normal in democratic states, but some CSOs experienced it as “politicization” of the civil sector – a debate that, in one form or another, is still present.

It could be said that debate on civil society's politicization is misdirected, because all CSOs profiled in matters of public or social interest, by default, participate in the political process, and consequently assume certain views and positions.



This phenomenon of civil society division along ideology or political preferences is quite normal in democratic states, but some CSOs experienced it as “politicization” of the civil sector – a debate that, in one form or another, is still present.

However, much more dangerous than assuming political position is not assuming political position, because all issues that are not private are political.

Political processes include rights of marginalized groups, social policy, environmental policy, youth policy, manner in which government spends public funds, etc.

As indicated, leaving politics to political parties in the early 90s contributed to equalling “policy” with “politics”. Of course, the civil sector should not deal with party politics (if it wants, it could transform itself into party structure). When the civil sector does not deal with policy, it ceases to be civil sector.

However, if the civil society does not deal with political processes, it loses the essence behind its existence in democratic societies.

5.

Two deeply polarized tendencies that emerged last year and concern role and future of the civil sector in Macedonia will, to large extent, determine future and democratic character of Macedonia in the next generation. Main objective of this struggle is the size of public space that would be given to the civil society in Macedonia. In that regard, there are two tendencies:

A) AN AUTHORITARIAN TENDENCY pursued by political parties in government to finally and fully occupy space of policies to such extent where critically-oriented civil society would disappear or would be fully marginalized. Two methods are used for that purpose, both taken verbatim from textbooks on autocracy.

First method implies creation of “official truth”. By means of media control, i.e. control over main channels for public information aimed at systemic propaganda targeting critical elements of civil society (labelled as “sorosoids”, foreign hirelings, or even both), the purpose of such truth is to discourage, filter or prevent open criticism of government.

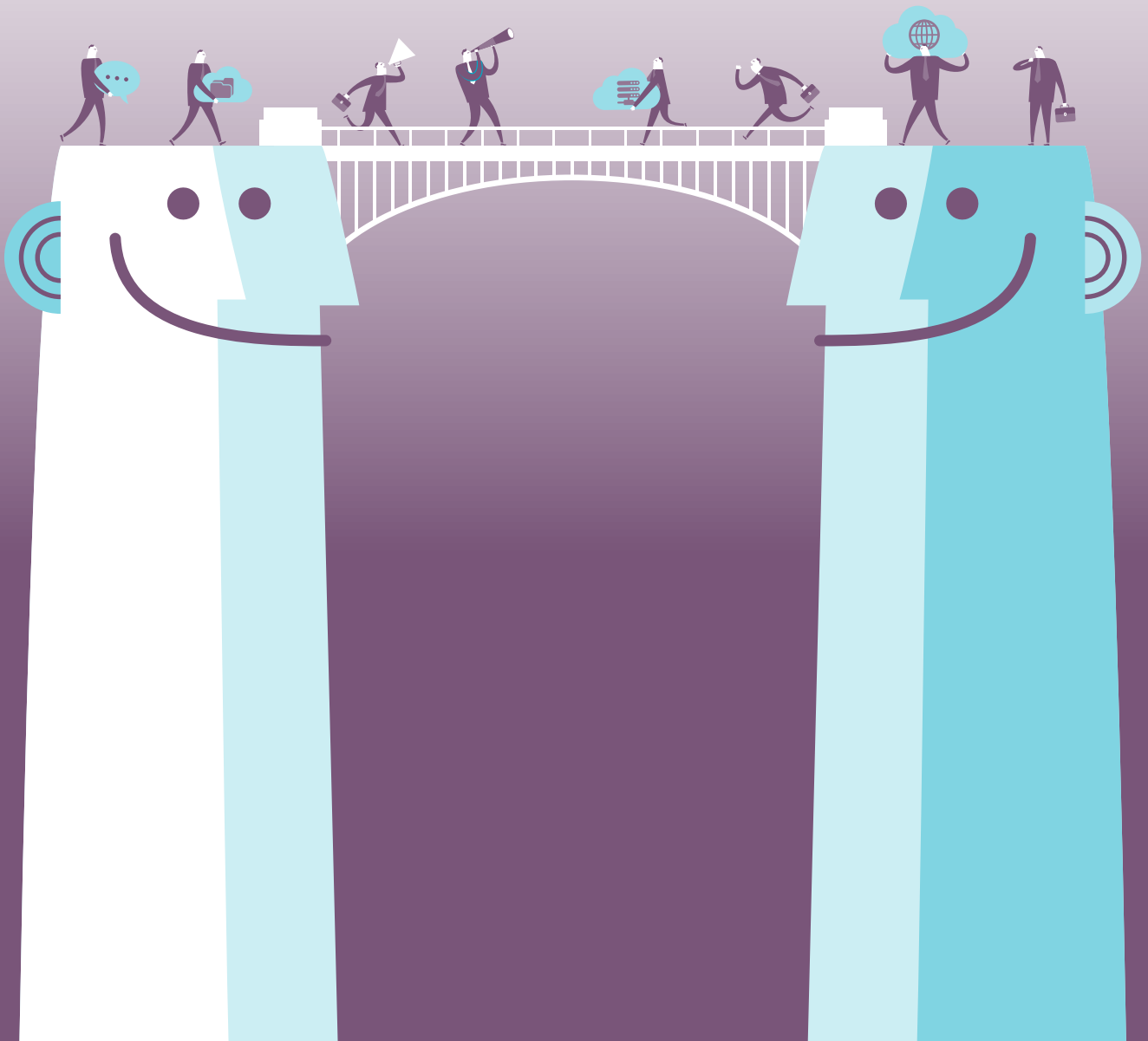
Second method implies creation of “alternative civil society” – which in the scholar literature is called Government-Organized Non-Governmental Organizations (GONGOs). Role played by GONGOs is to complement “official truth” by offering criticism for the criticism, thus rendering it blatant, disfigured and practically impossible as citizens’ legitimate right. By creating parallel associations to those that have emerged in response to actual needs of certain structures or groups of citizens (environmentalists, gender equality activists, journalists, redundancy workers, etc.), authoritarian governments create so-called “counter civil society”.

B) AN ACTIVIST TENDENCY, which is actually the main motor of resistance to authoritarianism and whose eminent manifestation in the last two years in Macedonia included students, high-school students, precariat workers, medical doctors, redundancy workers and all citizens that have dared to exercise their democratic right to disagree and oppose government policies. Unique motive of real activism is to be loud and openly express disagreement with and protest against anomalies, mistakes and poor governance, and in cases of tendencies aimed to narrow space for protests – against absence of democracy.

6.

In democracy, citizens are always right, even if they protest against government for no particular reason.

In cases when government attempts to prevent its citizens to engage in protests, the protest becomes both justified and necessary. Success of Macedonian democracy in the following years directly depends on learning the lesson that we –citizens – are owners of this society, whereas superintendents are tasked to serve our interests.



CORRUPTION

and



FIGHT AGAINST CORRUPTION

Truthful political will, instead of declarative, is of crucial importance for suppression of corruption. Reforms are needed to anticorruption and other legislation aimed at changing and providing clear definition of criteria and procedure related to appointment of members to anticorruption bodies.

VANJA MIHAJLOVA



Fight against corruption is, quite rightly, underlined as crucial for functional legal state and respect for human rights. Suppression of corruption is part and parcel of membership criteria for accession in the European Union – based on principles of democracy and the rule of law which guarantee economic development and prosperity. However, it would be utterly erroneous to reduce anticorruption to simple fulfilment of EU membership criteria. Prevention and suppression of this social phenomenon is much needed by the state and its citizens, in particular because they are most affected by corrosive consequences of corruption. Therefore, citizens should be aware of consequences brought forth by widespread corruption on their standard of living, human rights and democracy and, therefore, must not accept corruption as “business as usual”.

CORRUPTION CONSEQUENCES

Numerous research studies conducted by international organizations show that corruption consequences are multifaceted and harmful for citizens. For example, many documents published by UNDP reiterate that corruption undermines economic development, reduces social benefits and funnels funds intended for infrastructure and social service investments to private bank accounts of power holders.

Globally, corruption is most prominent in poor countries marked by low democratic capacity and, therefore, it is closely linked to the rule of law and economic development. Experiences show that even in case of countries abounding in natural resources, widespread corruption has resulted in dramatically increased number of impoverished citizens because majority of funds – instead of being allocated to address citizens’ social needs (schools, hospitals, infrastructure) – ended up at personal bank accounts of corrupted authorities. Example thereof is seen in Nigeria (country rich in oil resources), especially during the dictatorship rule of Sani Abacha who, together with his close family members, has managed to appropriate several billion dollars, thereby pushing millions of citizens into

poverty. Freezing of these assets sitting in foreign banks and their return to citizens was credited to efforts made by the international community. This is just an illustrative example, but not isolated, of dictatorship and corrupted regimes leading their respective peoples on the brink of mere sustenance. On the other hand, developed and democratic countries are marked by extremely low degree of corruption, and they include Denmark, Sweden, Norway, New Zealand, Singapore, Hong Kong, etc.

Corruption undermines quality of life, threatens open market functionality and competition, and is an essential factor contributing to economic demise of the society, as well as biggest obstacle to poverty alleviation. In Macedonia, widespread corruption has resulted in enormous number of impoverished citizens, thereby ranking it among the poorest states in Europe, whereas relevant international research studies rank Macedonia in the group of countries with the highest index of misery worldwide. Current economic situation, created as result of corruption and democracy backslide, is the main trigger for thousands of young and educated people to migrate towards developed countries.

In principle, corruption is an expression of government’s powerlessness to successfully manage public matters and establish social, judicial, political and economic balance in the country. In institutional terms, corruption is a result of broadly-defined authorizations given to civil servants, atmosphere of demonstrated political power and arrogance, and absence of accountability, i.e. seeking responsibility from unofficial, instead of official, forms of regulation. Example thereof is best represented by demonstration of responsibility before the party leader, instead of the system institutions. In Macedonia, these features are particularly prominent. Hence, government ministers are held accountable before the political party appointing them, instead of being accountable before government or parliament. Such intertwined interests of the party and state are contrary to constitutional and legal definition and operation of the executive branch of government and the rule of law.

Therefore, instead of efficient, well organized, routine and non-selective fight against corruption, current ambience in the country creates perceptions about pursuit of “successful fight against corruption”, but in practice anticorruption has been reduced to apprehension of individuals, most of them being political opponents, accompanied by sensational media coverage thereof.

INEFFICIENCY OF ANTICORRUPTION BODIES ENCOURAGES CORRUPTION

Corruption is result of non-functional anticorruption institutions which, instead of acting independently and according to their law-stipulated competences and duties, are under strong political influence from the gov-

ernment. Instead of performing their tasks and duties, the State Commission for Prevention of Corruption (SCPC), Ministry of Interior, Public Prosecution Office and other competent bodies frequently declare themselves “incompetent” and ignore serious suspicion about illegal and non-transparent spending of public funds, abuse of office and authorizations, corruptive practices and other serious criminal offences that implicate high officials from governing structures. Although obliged by the Law on State Attorney and the Law on Public Procurements to protect state property and assets, the State Attorney of the Republic of Macedonia has not taken any measure against sale of state-owned construction lands at bargain prices.

SCPC is obliged by law and should have acted upon serious suspicion of corruption and abuse of office con-



cerning implementation of the controversial project “Skopje 2014” which, according to information presented by investigative journalists, consumed more than 600 million euros from taxpayers, while the Public Prosecution Office is still failing to act upon motions for criminal charges submitted by Municipality of Centar on the basis of audit reports that have established serious violations to laws and public procurement procedures within this project. SCPC went as far as declaring itself incompetent to prosecute indications for election frauds, corruption and other serious offences arising from publicly released wire-tapped conversations, which actually gave rise for the need to establish the Special Prosecution Office tasked with investigation and prosecution of these cases.

Efficient, professional, responsible, accessible, ethical, independent and representative public administration, with relevant integrity, should ensure rule of law as main barrier to corruption. Contrary to these international standards, our partisan, non-functional and cumbersome public administration, characterized by non-transparent and selective decision-making, has transformed itself into extended hand of ruling parties, instead of

acting in service of citizens and business entities. Criteria governing employment and career promotion in public administration have been distorted, in particular by giving primacy to party members before expertise and professionalism, including transparent procedure and equal opportunities for all candidates. High partization of civil servants and absence of merit-based systems and criteria for employment, promotion and appointment to high management positions have resulted in lack of public trust in these institutions, while (non) functionality, inefficiency and opaqueness of operation, as well as frequent conflict of interests and nepotism created an atmosphere liable to corruptive practices.

Judiciary, by the effect of its constitutional set-up, is obliged to guarantee equal access to justice for all citizens and to take unbiased decisions pursuant to the law. Because of its partization and blatant disrespect for merit-based appointment and promotion criteria that should be applied in transparent and open procedure, vast majority of judicial decisions are disputable and marked by great bias, depending on individuals affected by them. Serious doubts about judiciary’s integrity and decision-making under political pressure from power-centres have led to major distrust in the judiciary system and increasing perception about its corruption and political obedience. In that regard, the last public survey conducted by the International Republican Institute (IRI) showed that only 13% of respondents believe the judiciary is independent, whereas as many as 55% of them believe it is under political influence by the executive branch of government. Distrust in judiciary also results in deferral of foreign investors away from the country and redirection of their capital



Reasons indicated for respondents’ reluctance to report corruption include lack of trust in institutions that they would take action, as well as fear for their safety after having reported corruption.

towards countries that guarantee legal security of their investments. Therefore, corruption and legal insecurity (due to biased and non-functional judiciary that would guarantee protection of property), in addition to other factors, directly affect scope of foreign direct investments, which are the lowest among countries in the region.

According to data from the survey conducted by the Faculty of Security (for the period 2013-2016), citizens believe that the most corrupted categories of public officers include customs officers, judges, political leaders, civil servants, prosecutors, police officers, public office holders and other officials, i.e. those that should be engaged in fight against corruption. Therefore, accountability, transparency and integrity in performance of public office or delegated public authorizations are precondition for exercise of the rule of law and an efficient tool for prevention and suppression of corruption, as well as restoration of public trust in the system institutions.

Experiences across the world show that professional and objective media play an important role in investigating and disclosing corruption affairs and, consequently, in fight against illegal operations and abuse of power. However, contrary to professional standards and ethics, strong ties have been forged between government and majority of media outlets in Macedonia, implying transfer of enormous sums of budget funds on the grounds of marketing and promotion of government policies, thus engaging in outright control of editorial policies at these media. Biased coverage of all and any activities of government officials as their regular tasks and duties, for which media receive financial compensation, resulted in obligation for media flexibility and servitude towards ruling establishments and critical observation of political opponents and independent experts. Mere possibility of losing such enormous public funds disbursed on the grounds of promotion and marketing puts pro-governmental media in position where they have to hide corruption scandals, notably by abandoning journalist ethics and commitment to dissemination of objective public information. Small number of professional media outlets and journalists cast

a ray of light on the overall media bleakness in the country, thereby allowing the public – by means of unbiased and objective coverage and reporting – to learn about serious doubts for government abuse and corruptive practices.

In terms of corruption prevention, role played by whistleblowers is considered of crucial importance. Notably, the Law on Prevention of Corruption includes provisions on protection for justice collaborators and witnesses, by means of prohibiting criminal prosecution of and holding responsible individuals that disclose information and data indicative of corruptive practices, including protection for people engaged in suppression of corruption. In that regard, the Law on Protection of Justice Collaborators also guarantees protection for people reporting corruption.

Despite the legal protection granted, the number of persons reporting corruption is insignificant. Evidence in support of that is found in the Human Rights Institute's 2014 survey results which showed that only 27.5% of respondents would report corruption to SCPC, 19.4% would report corruption to police authorities, 12.6% would report corruption to media, 9.7% to international organizations, 6.4% to non-governmental organizations profiled in fight against corruption, while 20.1% of respondents would not report corruption to any organization or body. Reasons indicated for respondents' reluctance to report corruption include lack of trust in institutions that they would take action, as well as fear for their safety after having reported corruption.

Recently adopted Law on Protection of Whistleblowers (November 2015) stipulates protection for corruption reporting, rights enjoyed by whistleblowers, procedure and duties of institutions and legal entities in terms of protected reporting of corruption and provision of protection for whistleblowers, bodies where corruption could be reported, and includes penal provisions on law violations. More specifically, citizens should make these reports in cases of reasonable doubts or knowledge that certain punishable or other illegal and inadmissible action has been committed, is being committed or is likely to be committed, which

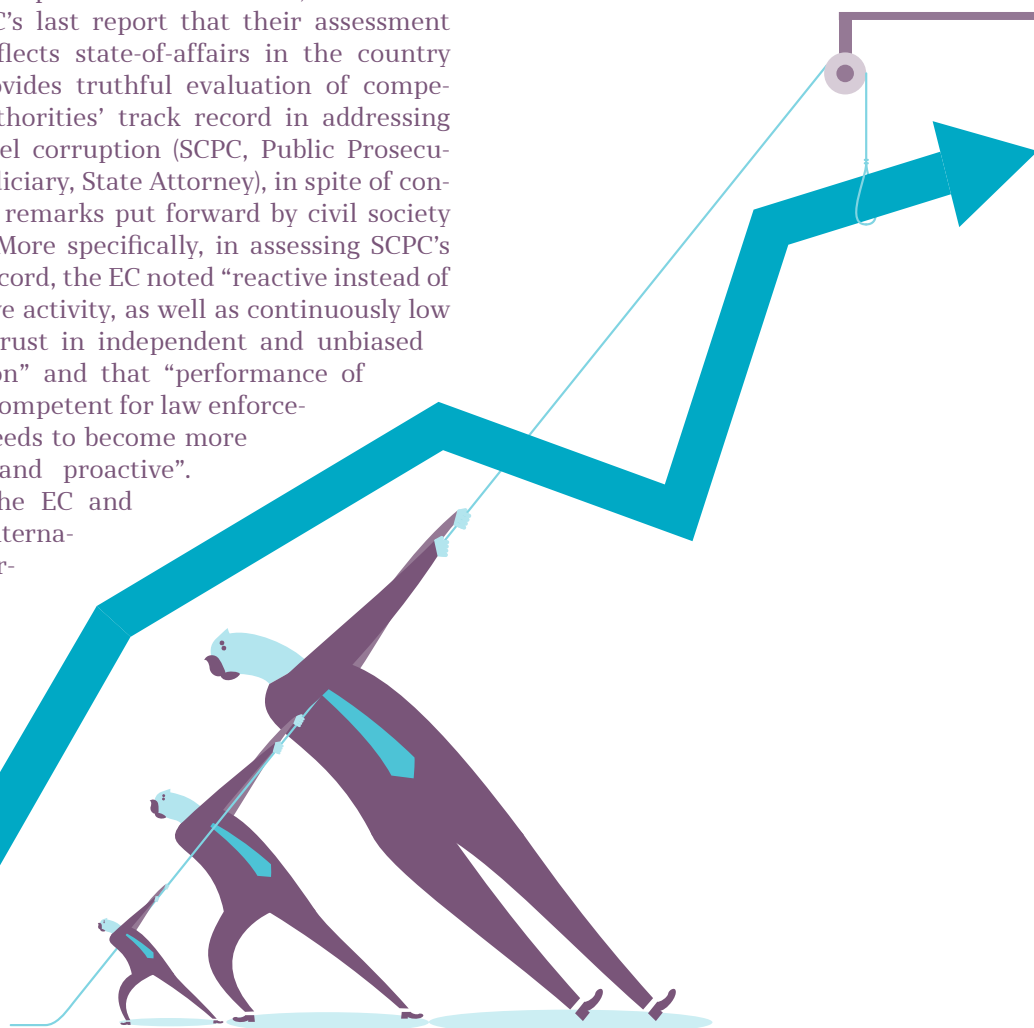
implies violation of or threatens the public interest. Nevertheless, on the account of broadly present distrust in institutions, serious scepticism has been expressed that citizens would be encouraged to report corruption and other illegal practices, even after this law was adopted.

EUROPEAN COMMISSION'S ASSESSMENTS ON CORRUPTION AND FIGHT AGAINST CORRUPTION

In its Progress Reports for Republic of Macedonia, the European Commission continuously underlined issues with corruption, especially in public procurements, as well as lack of efficiency, biased and selective approach on the part of competent authorities to prosecute corruption cases. However, it was not until EC's last report that their assessment fully reflects state-of-affairs in the country and provides truthful evaluation of competent authorities' track record in addressing high-level corruption (SCPC, Public Prosecution, judiciary, State Attorney), in spite of continuous remarks put forward by civil society actors. More specifically, in assessing SCPC's track record, the EC noted "reactive instead of proactive activity, as well as continuously low public trust in independent and unbiased operation" and that "performance of bodies competent for law enforcement needs to become more visible and proactive". Thus, the EC and other international or-

ganizations bear partial responsibility for passivity demonstrated by competent bodies and their selective approach in prosecuting corruption cases, in particular because their unrealistic assessments have encouraged domestic authorities to continue violation of laws and to capture the system institutions, including the media.

More realistic assessment on state-of-affairs in regard to corruption is noted in reports published by US Department of State, according to which corruption is present among high level government officials and authorities fail to demonstrate success in suppression of corruption. Unlike its previous reports, EC's 2015 Progress Report featured more realistic assessments on corruption, labelling it "widespread" and remarking that "institutions have



achieved no progress in fight against corruption”, followed by first appearance of serious assessments on lack of political will and inference in operation of competent authorities as biggest problems affecting the fight against corruption. Serious remarks are observed also in terms of SCPC’s track record which, although formally independent, had been criticized for passivity and selective approach in prosecuting corruption cases. Moreover, EC’s 2015 Progress Report features serious accusations that conflict of interests and abuse of office in public procurements have not been duly investigated by competent bodies and demanded increased transparency in public expenditure, notably by timely publication of actual information concerning all public procurement contracts, including publication of selection criteria for the best bid in advance. In addition, the EC openly remarks lack of control concerning performance of public procurement contracts, which has been continuously indicated by civil society organizations as one of the biggest weaknesses in the system of public procurements.

Such assessments were made after publication of the Report from the Senior Experts’ Group led by Reinhard Priebe, which provided detailed overview of (non)functional legal state, partisanship and selective approach pursued by competent authorities, violation of human rights and democratic backslide. Gravity of corruption in the country was confirmed by overall assessment made under the Priebe Report whereby it had been said that degree of corruption in the country would necessitate separate report to be drafted.

Of course, it should be noted that prior to publication of these reports, citizens and sizable part of the civil society were aware of widespread corruption in the state which, after long period of time, has been transformed into systemic corruption, and was recently present at high level of government, including its corrosive effects on the society as a whole. Released recordings of wiretapped conversations confirmed these doubts, although the broad spectrum of abuse of office and authorization on the part of high officials in management of public funds thoroughly shocked the public.

HOW TO PURSUE EFFECTIVE FIGHT AGAINST CORRUPTION?

Truthful political will, instead of declarative, is of crucial importance for suppression of corruption. In that, particular importance is assigned to suppression of high-level corruption. Experiences across the world show that countries marked by lowest degree of corruption have achieved such results by duly prosecuting high-level corruption cases that implicate senior government officials (for example, Singapore, Hong Kong), thus serving as example for those engaged in corruption at lower level and of lower scope. In that, it would be an illusion to believe that those who are the most responsible for high degree of corruption in the country or are directly implicated in corruption scandals will actually engage in efficient anticorruption practices. Such endeavour could be pursued only by responsible government and independent, competent, professional and depoliticized institutions.

Reforms are needed to anticorruption and other legislation aimed at changing and providing clear definition of criteria and procedure related to appointment of members to relevant anticorruption bodies. In order to increase transparency of procedures on appointment of members in so-called independent commissions and regulatory bodies, the civil sector needs to actively participate in these processes, notably by monitoring these procedures or by direct participation in said commissions and regulatory bodies. That would guarantee that candidates’ expertise, competence and professional experience are of crucial importance for their appointment and would prevent current practices on appointing staff to these positions primarily on the basis of party activities and loyalty.

Under conditions of great political interference from the government in editorial policies at vast number of media with national concession and at the public broadcaster (MRT), by bribing them with budget funds disbursed on the account of promotion and marketing, possibilities for dissemination of correct and accurate information to the broader public concerning numerous abuses and serious doubts

about involvement of high public officials in corruptive practices are very limited. Hence, the handful of professional and independent media need to be supported and encouraged to continue their journalist investigations into corruption cases, in spite of many and varied obstructions they face and limited outreach in the public. Their role in disclosure of corruption affairs is of crucial importance.

Under conditions of inefficient law enforcement and corruption prosecution bodies, selective and biased approach in processing corruption cases, the Special Public Prosecution (established as result of inactivity demonstrated by the Public Prosecution) should be relieved of obstructions and pressures, in particular those imposed by judicial authorities, and from orchestrated campaigns pursued in pro-governmental media. In order to ensure its unhindered operation, expert and any other support provided by the international community is both welcomed and much needed. An example of successful anticorruption fight is seen in Romania as the country which, prior to its EU membership, was characterized by widespread corruption until the former Minister of Justice and current MEP Monica Macovei, enjoying full and unconditioned support from renowned British experts, managed to address and suppress corruption in this country.

Example set forth by Romania also confirms that efficient fight against corruption yields positive results in terms of restoring public trust in institutions and attracting foreign investments. Notably, once Laura Codruta Kovesi, Chief Prosecutor at Romania's Anti-corruption Directorate, opened investigation and raised criminal charges against numerous high officials, the country's foreign investment portfolio was significantly improved, including investments made by global companies, in par-

ticular because they had been encouraged and assured that efficient and non-selective fight against crime and corruption guarantees legal security of their investments. Positive effects of activities taken by the Anticorruption Directorate were visible also in terms of repatriation of expert staff that had previously left Romania.

Independent and unbiased judiciary is an important link in the chain of institutions tasked with suppression of corruption. Restoration of professional ethics and integrity, as well as restoration of public trust necessitates crucial reforms in this field, aimed at liberating anticorruption policy of political influence and allowing professionals (judges and prosecutors) to work independently and in compliance with the law. For that purpose, appointment and promotion of staff members in judiciary and prosecution services needs to take place in procedures that are transparent in practice, not only in theory, and pursuant to objective, merit-based criteria.

It is high time for actual reforms to be implemented in public administration, for the purpose of creating small, efficient, professional and depoliticized public administration in compliance with EU standards, which would ensure protection of human rights and efficient services for citizens and business entities, instead of continuing current practices that have transformed the public administration into shelter house for party members.

Critical importance is assigned to sanctions for officers tasked with anticorruption who, contrary to their law-stipulated obligations and competences, failed to take action and initiate procedures to process doubts about serious crimes and corruption, thereby violating the principle of legal, non-selective, unbiased and transparent performance of public office.



YEARS

FREEDOM OF
INFORMATION
IN MACEDONIA

Essential changes in terms of compliance and respect for the right to freedom of information imply changed understanding on the part of administration bodies about the actual owners of the vast pool of public information.

Information created and disposed by public authorities belongs to the public, i.e. citizens, associations, journalists, companies, trade unions, chambers, parties...

NADA NAUMOVSKA
DANCE DANILOVSKA-BAJDEVSKA

Transparency and accountability are the core concepts of democratic governance. In democracy, the principle of accountability implies that public authorities are held accountable before citizens for their decisions and actions. On the other hand, transparency means that authorities' decisions and actions are open and available, in particular for the purpose of being subject of monitoring by citizens that enjoy the right to access thereto. Hence, access to information is key component of any transparent and accountable government. Essence behind the right to freedom of information implies giving the citizens insight into government operations, i.e. allowing them to expose corruption or mismanagement in policy-making.¹

In recent years, pursuit of the right to freedom of expression, and in particular the right to access to information disposed by public authorities, has attracted great attention. For the last 25 years, countries around the world have intensified efforts to adopt freedom of information laws. By September 2013, at least 95 countries worldwide enacted laws on establishing the right to and procedures on requesting and receiving information². In historical terms, Sweden was the first country to have adopted the Law on Freedom of Press in 18th century (1776), which regulated and guaranteed free access to public documents.

In 2006, Macedonia joined the family of freedom of information countries. More specifically, the Law on Free Access to Public Information³ (hereinafter: the law) was adopted in January 2006, on the initiative from and as result of advocacy activities taken by part of the civil society. Today, ten years after its adoption, we are faced with the challenge of finding an answer to the question whether this mechanism, contributing to increased transparency, has actually improved openness and

has encouraged greater accountability of state institutions. Critical observation of state-of-affairs related to freedom of information is not intended to "tarnish" celebration of the tenth anniversary from the law's adoption; on the contrary, it aims to exert pressure for greater promotion of the right to freedom of information in coming years, thus correcting mistakes made in terms of its enforcement. By doing that, on the occasion of celebrating future anniversaries related to freedom of information we would be able to establish disclosure of certain classified (secret) information that has become subject of public interest, triggering its de-classification into public information.

From today's perspective, truthful is the observation that all international organizations have stepped up and guaranteed the right to freedom of information as fundamental human right. From their establishment in 1946, the United Nations laid down that freedom of information is fundamental human right⁴. In that regard, 1991 Constitution⁵ of the Republic of Macedonia, under its section on fundamental rights and freedoms enjoyed by citizen, "guarantees free access to information, freedom of receiving and imparting information". This means that citizens are entitled access to information held and disposed by public authorities. Be that as it may, numerous research conducted by civil society organizations provide evidence that authorities are more likely to comply with the right to freedom of information enjoyed by citizens in countries where such laws have been enacted, compared to countries that have not adopted freedom of information laws.⁶ Hence, further specification of this constitutionally-guaranteed right to information was deemed necessary and was pursued by means of adopting the Law on Free Access to Public Information, taking place fif-

¹ Freedom of Information as an Internationally Protected Human Right, Toby Mendel, Article XIX

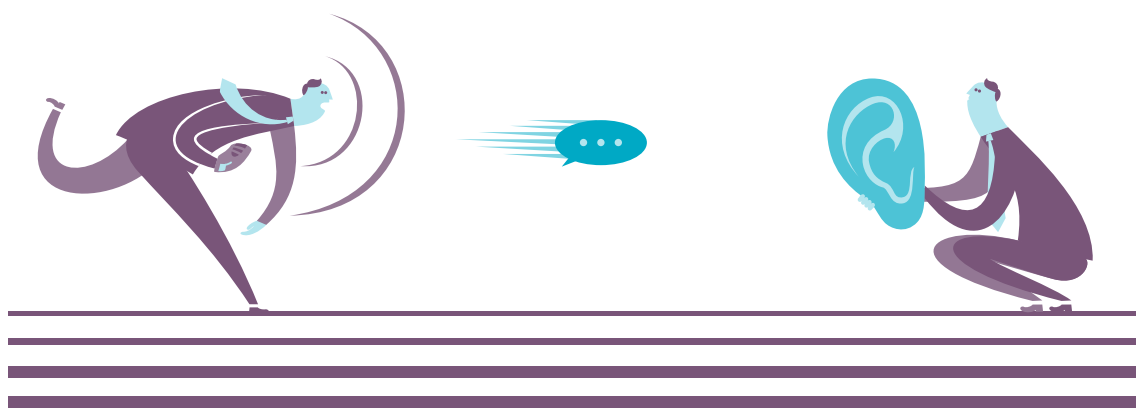
² List of countries was drafted by the Dutch expert Roger Vleugels, available at: <http://right2info.org/access-to-information-laws>

³ "Official Gazette of the Republic of Macedonia" no. 13/2006, 86/2008, 6/2010, 42/2014 and 148/2015

⁴ UN. 14 December 1946. Resolution no. 59 (I). For more information, visit: <http://www.un.org/documents/ga/res/1/ares1.htm>

⁵ Article 16, paragraph 3 of the Constitution of the Republic of Macedonia

⁶ „Transparency and Silence: A Survey of Access to Information Laws and Practices in 14 Countries, developed by the Open Society Justice Initiative, Skopje 2006



teen years after the Constitution was adopted. In spite of that, “public awareness about the right to freedom of information remains low”⁷. In that regard, campaigns are needed to introduce and educate citizens about their right to freedom of information, thus contributing to attainment of the goal pursued with the law’s adoption, i.e. to ensure publicity and openness in operation of information holders⁸ and allow citizens and legal entities unhindered access to public information.

In particular, the law established new instruments⁹ that should have contributed to facilitated exercise of the right to freedom of information. For the purpose of ensuring cost-effective (no costs implied), fast and effi-

cient procedure on exercise of free access to information, the Commission for Protection of the Right to Free Access to Information (hereinafter: the Commission) was established and was tasked with guaranteeing full enforcement of the law. Although the legal framework in place has been assessed as satisfactory, its enforcement track record remains flawed¹⁰. As part of its annual reports¹¹ this independent Commission has established that silence on the part of information holders is “satellite” hovering over information requests, including statements on its insufficient human and financial capacity to comply with its law-stipulated obligations on enforcing the right to freedom of information.

⁷ http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf

⁸ Information holders are: state administration bodies (legislative, executive and judicial branch of government) and other bodies and institutions established by law, administration bodies of municipalities or the City of Skopje and the municipalities forming part of the City of Skopje, public institutions and services, public enterprises, legal and natural entities performing public authorizations as established by law.

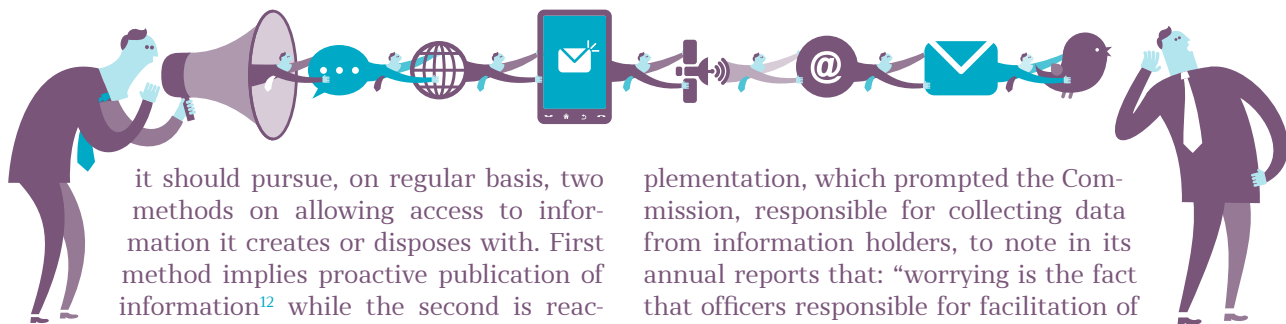
⁹ Template used for submission of information requests; tariff list, i.e. act that establishes fees charged to cover material costs incurred for disclosure of requested information; list of public information, which serves as catalogue of information disposed by information holders; and officer responsible for facilitating freedom of information, employed at the information holder and tasked with assisting citizens in submission of information requests.

EXERCISE OF THE RIGHT TO FREEDOM OF INFORMATION: STATISTICAL OVERVIEW

In any democratic society, right enjoyed by and ability of citizens to request and obtain access to “broad spectrum” of information is of great importance for them in order to participate in policy-making processes affecting their lives. In this regard, information created and disposed by public authorities actually belongs to the public. For an institution to be transparent

¹⁰ Six Years Later: Is the Wall of Silence Cracking?, FOSM, Skopje 2012, available at: http://www.fosm.mk/CMS/Files/Documents/Zakoni_pod_lupa_Kniga_6_Raspuka_li_dzidot_od_tishina.pdf

¹¹ Available at: http://www.komspi.mk/?page_id=2609



it should pursue, on regular basis, two methods on allowing access to information it creates or disposes with. First method implies proactive publication of information¹² while the second is reactive publication of information. Proactive approach implies the authorities' obligation to publish and disseminate information about their competences, budget spending, realization of plans and policies, etc. At times of state-of-art information and communication systems and technologies, authorities should make full use thereof and design manners for the best and most effective distribution of information that is of importance to citizens. By doing so, they would enable citizens to participate in public matters and oversee performance of public authorities. At this moment, ten years from the law's adoption in Macedonia, general remark on state-of-affairs in this field concerns the fact that the Commission lacks capacity to monitor compliance with obligations on proactive publication of information¹³.

On the other hand, reactive approach implies the citizens' right to inquire about authorities operation and performance, to request and to be granted access to information. In that regard, authorities are obliged to admit information requests and respond to them, i.e. allow insight in original documents containing requested information or provide copy of requested documents and information. Thus, by means of making written or oral information requests, applicants could gain access to public information. However, for the entire period from the law's adoption, Macedonia failed to put in place systematic measurement of its im-

plementation, which prompted the Commission, responsible for collecting data from information holders, to note in its annual reports that: "worrying is the fact that officers responsible for facilitation of access to information, although trained and educated, continue to submit invalid annual reports..."¹⁴ On the other hand, large share of information holders fail to comply with their obligation on developing annual reports, which are mandatory and should be presented to the Commission, and present the actual state-of-affairs in terms of exercise of this right. Hence, in its 2006 Annual Report, the Commission noted that almost half of information holders (199 from total of 445) have not presented it with their respective reports; in 2008 it noted that more than half of information holders have not complied with their obligation on submitting reports (750 from the total of 1460 registered holders); in 2009 the Commission observed certain improvement, although far from satisfactory, i.e. the share of information holders that have complied with their obligation accounted for 60% (884 from the total of 1475); but the number of reports presented by information holders reached its peak as late as 2013, accounting for 996 from the total of 1267, i.e. 78%. This analysis relies on relevant data and information in order to provide clear image that annual statistics on the number of information requests addressed to information holders, as presented by the Commission, ranges from 50% to 75% and is based on individual annual reports processed, but does not reflect the actual situation. Hence, equally important for this analysis are research studies and reports of civil society organizations engaged in monitoring exercise of the right to freedom of information on annual level, including surveys inquiring about perceptions of citizens and information holders.¹⁵ Thus far, throughout the

¹² Proactive Transparency: The Future of the Access to Information?, by Helen Darbshire, publisher: World Bank. Available at: http://siteresources.worldbank.org/WBI/Resources/213798-1259011531325/6598384-1268250334206/Darbshire_Proactive_Transparency.pdf

¹³ http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf

¹⁴ 2014 Annual Report of the Commission for Protection of the Right to Free Access to Public Information, p. 24, available at: http://www.komspi.mk/?page_id=2609

¹⁵ Overcoming the Principles of Secrecy in the Public

entire period 2006-2015, information holders recorded total of 27,861 information requests, while the Commission had been presented with total of 5,922 appeals against information holders.

As regards the type of appeals, more than 80% (4,802) of them have been lodged on the grounds that information holders ignored information requests, which implied silent rejection thereof and prevention of access to information. Having in mind that from the total number of appeals submitted, the Commission has taken decision in favour of information applicants in 4,595 cases, the conclusion is inferred that its existence as independent mechanism on decision-making upon appeals is of significant importance for effective operation of the system on freedom of information. Court procedures have proved to be extensive, time-consuming and cost-intensive for vast majority of citizens as potential appealing parties in cases when their right to free access to information has been violated. Be that as it may, the situation observed prevents any conclusion that, after 10 years of implementation, this system is efficient and functional. According to experience of citizens that have submitted information requests, the system is only partially functional¹⁶. This is further confirmed by journalists, according to which public authorities demonstrate tendency on exaggerated classification of documents as confidential¹⁷. Moreover, for ten years the Commission lacks funds to deliver on its law-stipulated obligations, such as regular education of information holders

and promotion of this right, thus contributing to the system's efficiency. From its establishment, the Commission benefits from annual budget in an amount sufficient to cover salaries and procurement of goods and services needed¹⁸. Hence, in order to engage in more effective implementation of this law, the Commission needs to strengthen its human and financial capacity, especially in regard to initiating misdemeanour procedures against information holders that failed to comply with the law, i.e. prevented exercise of the right to access to information.

CITIZENS' EXPECTATIONS FROM THE SYSTEM ON FREEDOM OF INFORMATION

Analysis concerning categories of information requests marked by highest interests among citizens and associations¹⁹ including frequency in terms of individual holders addressed with requests that have remained unanswered, followed by initiation of appeal procedures, could be used as indicator of "weakest links" in this system. Therefore, such analysis would provide baseline for setting priorities aimed at improved efficiency of the system on freedom of information.

Annual Reports published by the Commission indicate state institutions as being the weakest link in the system on freedom of information (government, line ministries, agencies, funds), followed by public health institutions and health care centres, local authorities and education institutions. Year after year, these information holders continue to be subject of

Administration's Operation, report from the research study on the right to public information in Macedonia, FOSM, November 2013, available at: <http://www.fosm.mk/CMS/Files/Documents/istrazuvanje-tajnost-vo-rabotenjeto-mkd-1.pdf> and perception of citizens of the Republic of Macedonia in regards to exercising the right to free access to public information and assessment of information holders concerning the application of this right and the problems they are encountering, FOSM, 2009, available at: http://www.fosm.mk/CMS/Files/Documents/foi0109_16_03_2009.pdf

¹⁶ Overcoming the Principles of Secrecy in the Public Administration's Operation, FOSM, November 2013, p. 34

¹⁷ http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf, p. 21

¹⁸ 2015 Annual Report of the Commission for Protection of the Right to Free Access to Public Information, p. 39, available at: file:///C:/Users/Dance%20Danilovska/Desktop/M-r%20FOI,%209%20fevruari%202016%20start/Izvestai%20FOI%20Komisija/godishen_izvestaj-2015.pdf

¹⁹ In the recent years, journalist engaged in investigative journalism frequently appear as applicants for access to public information, but the Commission does not keep separate statistics on them as individual category of information applicants, and therefore they are not separately indicated in this analysis. Single information on the number of appeals lodged by journalists, 159 in total, is presented in the Commission's 2015 Annual Report.

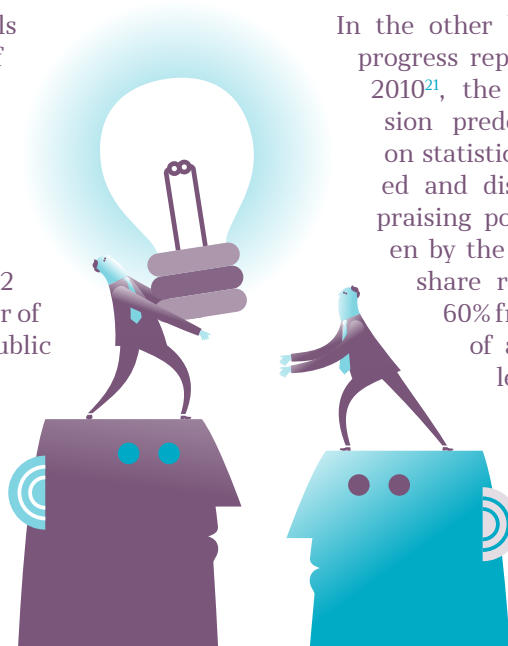
the highest number of appeals lodged. In particular, half of appeals in 2007, 2009, 2010, 2011 and 2015 have contested behaviour demonstrated by state institutions. In 2008, half of appeals were lodged against education institutions, while situation observed in 2012 and 2014 indicate to high number of appeals being lodged against public health institutions.

Appeals lodged in front of the Commission provide the conclusion that citizens and associations are most interested in matters related to public spending, public procurements, annual work programmes, systematization acts at particular institutions, and the like. Such information are subject of mandatory publication on official website of relevant institutions, but absence thereof further confirms that insufficient proactive publication of information is the main problem affecting the right to freedom of information.

VIEW FROM THE OUTSIDE: HOW IS THE COUNTRY ASSESSED IN TERMS OF EXERCISE OF THE RIGHT TO FREEDOM OF INFORMATION?

For years in row and as part of its reports on human rights practices in Macedonia, US State Department allocated several paragraphs on mainly positive developments in relation to freedom of information, stressing existence of legal guarantees for this right and possibility to exercise insight in all court rulings. Nevertheless, this narrative has been changed in the last two years, as its 2013 and 2014 country reports underlined limited access to data, especially those concerning public finances and public procurements.²⁰

²⁰ <http://www.state.gov/documents/organization/236762.pdf> p. 16;
<http://www.state.gov/documents/organization/>



In the other hand, from its first progress report from 2006 until 2010²¹, the European Commission predominantly informed on statistics related to requested and disclosed information, praising positive decisions taken by the Commission, whose share ranged from 50% to 60% from the total number of appeals lodged, thus leading to increased access to information. Nevertheless, remarks related to compliance with this right started rapidly increasing and were repeated in the progress reports covering the period 2011-2015.²²

220516.pdf p. 17;
<http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154437.htm> p. 24

²¹ http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/fyrom_sec_1387_en.pdf p. 11, 13 and 32;
http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/fyrom_progress_reports_en.pdf pp. 9 and 11;
http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/the_former_yugoslav_republic_of_macedonia_progress_report_en.pdf pp. 10, 12 and 59;
http://ec.europa.eu/enlargement/pdf/key_documents/2009/mk_rapport_2009_en.pdf pp. 11 and 60;
http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/mk_rapport_2010_en.pdf
http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/mk_rapport_2010_en.pdf pp. 11 and 61.

²² http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/mk_rapport_2011_en.pdf pp. 11 and 61;
http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mk_rapport_2012_en.pdf pp. 10 and 52;
http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf pp. 9 and 42;
http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report_en.pdf pp. 9 and 44;
http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav-re

Key weaknesses noted in that regard include: institutions' ignorant behaviour towards publication of information; imprecise provisions governing exceptions for rejection of the right to access to information; failure to establish responsibility by means of misdemeanour sanctions against administration bodies that have failed to provide access to information; authorities' opaqueness in terms of public spending and exemption of political parties from the list of information holders. Moreover, the most significant remark put forward by the EC, featured in the entire period of 10 years, concerns lack of financial and human resources at the Commission for Protection of the Right to Free Access to Public Information. For the same period of time, the state failed to respond to the need for strengthened capacity of the Commission.

Furthermore, SIGMA's reports²³, assessing progress of the state and its public administration against previously defined indicators mainly feature positive assessments about the Law on Freedom of Information. However, central issue indicated therein concerns imprecise norms governing exemption from the right to freedom of information. Here, we would like to reiterate a remark featured in the last report indicating existence of centralized decision-making system, and consequently affecting information availability.²⁴ More specifically, large portion of information needed for policy-making is disposed only by the government and they are mainly contained in its decisions, but are not available for the public, thus giving rise to recommendations for proactive publication of such information. Proactive publication of information is recommended also in regard to government meeting agenda and minutes.²⁵

[public_of_macedonia.pdf](#) pp. 9 and 16.

²³ http://www.sigmaweb.org/publicationsdocuments/fYRoM_Assess_2012.pdf p. 12;

<http://www.sigmaweb.org/publications/Baseline-Measurement-2015-fYRMacedonia.pdf> pp. 58, 59, 62 and 63.

²⁴ *Ibid* pp. 29 and 31.

²⁵ Problem related to non-publication of government meeting agendas was indicated by civil society organizations as early as 2011: http://www.spinfo.org.mk/index.php?option=com_content&view=article&id=389:rabotata-na-vladata-e-tajna-za-gragjanite&catid

OPEN GOVERNMENT PARTNERSHIP (OGP) AND FREEDOM OF INFORMATION

The Open Government Partnership is a multi-lateral initiative joined by states on voluntary basis and aimed to secure specific commitments from governments for their respective citizens, such as to promote transparency, encourage civil participation in fight against corruption and to harness new technologies to strengthen the good governance. OGP relies on four principles, those being: 1) access to information; 2) citizen participation; 3) accountability; and 4) technology and innovation for transparency and accountability.

Government of the Republic of Macedonia joined this initiative from its onset in 2011 and has adopted two consecutive action plans²⁶ comprised of measures and activities aimed at delivering results under the four commitments defined. According to assessments made by the Independent Reporting Mechanism (IRM), whose reports provide the baseline for this analysis, as many as 60% of commitments assumed under the first action plan and 67% under the second action plan are focused on access to information as an essential value of this initiative.²⁷ However, only 6% of all commitments assumed under the first action plan and 18% under the second action plan were implemented in their entirety.²⁸

Activities anticipated under the second action plan in the area related to access to information are grouped as follows: 1) human, operational and financial resources; 2) legal reforms; 3) public awareness and building partnerships. Nevertheless, the most important question is how much these measures contributed to greater compliance with the right to freedom of information. IRM established that measures

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²⁶ 2012-2013 and 2014-2015 Action Plan, <http://www.opengovpartnership.org/country/macedonia/action-plan>

²⁷ http://www.opengovpartnership.org/sites/default/files/Macedonia_2012_Final_%28Mac%29.pdf p. 5 and http://www.opengovpartnership.org/sites/default/files/Macedonia_2014-15_IRM-Progress-Report%20%28MKD%29.pdf p. 2.

²⁸ *Ibid*.

concerning staff training, capacity building at the Commission and promotion of its website are characterized by minor potential to impact freedom of information. With a view to enable attainment of actual progress, IRM report proposed: (1) the government to allocate unlimited budget funds to the Commission to be able to perform prevention activities; (2) the Commission to improve its website by integration of searchable database comprised of its decisions; and (3) proactive publication of most important information disposed by the government.²⁹ Measures related to legislative changes have been assessed as measures that do not have any significance. According to IRM report, vast majority of problems affecting access to information in Macedonia are related to implementation of the law, not the legal framework itself.³⁰⁻³¹

²⁹ Ibid p. 11

³⁰ Ibid p. 12.

³¹ Commission delivered several training sessions for journalists, civil society, youth and academic community. In addition, the Commission organized “open days” in six municipalities and held meetings with youth on the topic “Freedom of Information”.



At the time this analysis was developed, the Government started preparations for adoption of the third OGP Action Plan, and was faced with the challenge of adopting measures that would have actual significance in terms of access to information and would account for an added value of this initiative, and to assume serious commitments for their implementation.

RECOMMENDATIONS AIMED AT EFFICIENT SYSTEM ON FREEDOM OF INFORMATION

Essential changes in terms of compliance and respect for the right to freedom of information imply changed understanding on the part of public administration bodies, i.e. information holders, about the actual owners of the vast pool of public information. Information created and disposed by public authorities belongs to the public, i.e. citizens, associations, journalists, companies, trade unions, chambers, parties... Indicator defined for evaluation of this changed understanding concerns addressing the phenomenon of administration silence or ignorance, especially when presented with information requests.

Equally important is the indicator on proactive publication of information by institutions. Individual institutions need to assess which information would be of greatest interest for information applicants and they should accordingly prioritize publication of such information. The Commission should make efforts to develop standards on proactive publication of information, in different areas and fields. Based on established standards, the Commission would be able to monitor proactive publication of information by relevant information holders.

Government should demonstrate commitment to respect the right to freedom of information, primarily by proposing significantly higher budget for the Commission and improving its human and financial resources. On the other hand, the Commission must increase its importance and impose itself as actual factor in compliance with the right to freedom of information. This, inter alia, could be pursued

by means of: public awareness campaign on the right to free access to public information; establishing responsibility of administration bodies that have rejected access to public information and increasing publicity and visibility of the Commission.

The government should adopt recommendations put forward in IRM's country report and develop OGP Action Plan that would imply actual contribution to improved access to information for citizens and possibility for holding authorities accountable for abuses of public funds and office.

Authorities must demonstrate actual commitment for Macedonia's accession in the EU. They need to put forward specific proposals and take actions aimed at addressing problems indicated by relevant institutions. Particular attention should be given to application of the public interest test in cases when access to information has been rejected, improving legal provisions on exemptions from access to information, complete transparency of public spending, re-integration of political parties on the list of information holders, etc.

SERIOUS CHANGES



ARE NEEDED TO PUBLIC PROCUREMENTS IN MACEDONIA

It seems that series of significant changes and introduction of certain legal solutions that are unique only for Macedonia have rendered its legal framework in the field of public procurements inadequate to ensure efficient and cost-effective implementation thereof. Hence, thorough changes are needed not only with a view to align domestic legislation with the EU acquis, but also to enable attainment of basic principles underlying the public procurements.

SABINA FAKIK
GERMAN FILKOV

Public procurements in Macedonia are in a critical phase. The series of significant changes made in the last three years have distanced the legislation in this field away from currently applicable and new EU directives on public procurements. Use of “lowest price” as the single contract awarding criterion; mandatory e-auctions for all tender procedures; the need to obtain approval from the newly-established institution, i.e. the Council of Public Procurements, prior to announcement of tender procedures; straightforward possibility for blacklisting companies that implies prohibition for tender participation in duration of up to five years – are just some of the factors that distort public procurements in the country. Low competition in tender procedures continued to decline in the course of 2015; share of tender annulments remained high; while contrary to increased number of tender procedure announced, the number of appeals is declining.

In brief, it seems that the legal framework governing public procurements is inadequate to ensure efficient and cost-effective implementation thereof. Hence, a series of urgent changes are needed not only with a view to align domestic legislation with EU rules and regulations, but also to enable preconditions for attainment of basic principles underlying the public procurements – competition, equal treatment and non-discrimination of economic operators, transparency and integrity in public procurement contract awarding, and cost-effective and efficient utilization of public funds.

INSTITUTIONAL SET-UP AND LEGISLATIVE ALIGNMENT

Law on Public Procurements, drafted in compliance with the EU Directive on Public Procurements, was adopted in 2007 and entered in effect in 2008. Since then, it has been subject to continuous changes, without broader stakeholder consultations. In particular, last ten rounds of amendments adopted from 2013 onwards have brought about changes that are contrary to EU trends. Price, and not quality,

is given primacy in contract awarding; e-auctions and not electronic procurements are mandatory for all tender procedures; instead of more efficient and streamlined procedures, an additional stage has been introduced in the process implying approval of public procurements by the newly-established institution, i.e. the Council of Public Procurements (CPP).

“Lowest price” used as single criterion for public procurement contract awarding, combined with mandatory e-auction in all tender procedures and absence of any eligibility criteria for companies to participate in tender procedures in order to avoid the need to seek approval from the Council (approval is sought in cases of setting eligibility criteria for companies) have brought under question the quality of goods, services and works procured.

In parallel with establishment of the Council of Public Procurements and introduction of legal obligation to obtain approval for public procurements, the Law on Public Procurements also introduced severe sanctions in duration of six months to five years imprisonment for officers responsible for implementation of public procurements, mainly in cases of their non-compliance with law-stipulated obligations concerning acquisition of required approval for public procurements.

The law section on sanctions threatened to companies includes the so-called negative references or blacklisting of companies, even for matters that are not related to quality performance of contracts, such as withdrawal of bids and refusal to sign procurement contracts. Issued negative references imply prohibition for concerned companies to participate in any tender procedure in duration of one to five years.

Otherwise, the scope of public procurements in Macedonia is significant and annually it accounts for around one billion euros, which represents around 12% of the country’s GDP (total production of goods and services). In other words, public procurements account for more than one third of budget funds. Almost 1,400 state institutions at central and local level are obliged to enforce the Law on Public Procurements, with only 4,800 companies

engaged in this business with the state. Around 22,000 contracts on public procurements are signed on annual level.

ENFORCEMENT AND IMPLEMENTATION

The past 2015 was marked by longer duration of public procurement procedures, starting from the decision on organization of public procurement and ending with contract signing, further decline of competition, limited possibility to ensure quality of goods/services/works being procured, maintained high level of tender annulments and reduced number of appeals compared to the increased number of tender procedures.

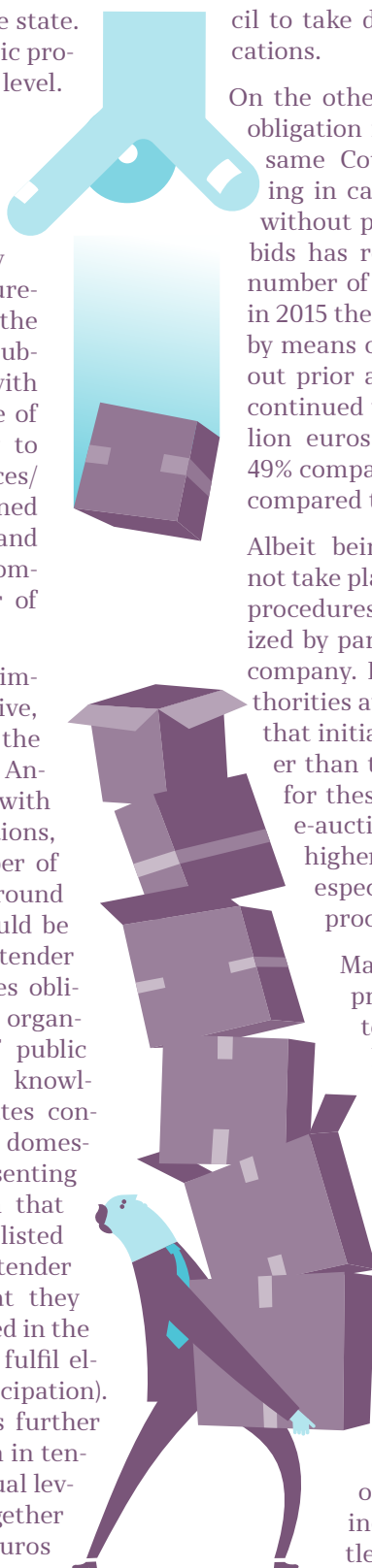
Council of Public Procurements implies an additional (administrative, time and financial) burden in the system of public procurements. Annually, the Council is addressed with almost 20,000 approval applications, which is higher than the number of tender procedures organized (around 18,000), as several approvals could be sought for one and the same tender procedure. This practice imposes obligations for officials tasked with organization and implementation of public procurements who are neither knowledgeable nor trained, and creates confusion among companies (both domestic and foreign), notably by presenting them with requests to confirm that they fulfil eligibility criteria enlisted in technical specifications and tender documents (i.e. to confirm that they manufacture products as required in the tender procedure and that they fulfil eligibility criteria for tender participation). Introduction of the Council has further reduced already low competition in tender procedures, whereas on annual level all contracting authorities together spend more than two million euros for the experts engaged by the Coun-

cil to take decisions upon approval applications.

On the other hand, the newly introduced obligation for seeking approval from the same Council prior to contract signing in cases of negotiation procedures without prior announcement of call for bids has resulted in reduced value and number of this type of contracts. Hence, in 2015 the total value of contracts signed by means of negotiation procedure without prior announcement of call for bids continued to decline and reached 29 million euros, representing a decrease by 49% compared to 2014 figures and by 70% compared to 2013 figures.

Albeit being mandatory, e-auctions do not take place in more than 40% of tender procedures because they are characterized by participation of only one bidding company. In such cases, contracting authorities attain high prices given the fact that initially companies bid prices higher than the actual price, leaving space for these prices to be reduced during e-auctions. However, these initially higher prices remain as final prices, especially when they fall within the procurement's estimated value.

Mandatory e-auctions create problems also in cases of small tender procedures, primarily due to unrealistically low prices attained, absence of cost-effectiveness for the procurement procedure (for example, in case of procurements whose value amounts to 500 euros, sometimes the costs incurred by contracting authorities for organization of the public procurement are equal to the procurement's value), as well as due to the limited space for participation of microenterprises which are inevitably losing the price battle against bigger companies. In





that, advantages of such companies cannot be utilized, such as quality of what they offer, speed of delivery, flexibility and innovation.

High share of tender annulments, which throughout the years has ranged from one quarter to one fifth of all tender procedures, continues to raise concerns. Series of measures taken in the meantime had limited effects, in particular because the overall share of tender annulments has not been significantly reduced, but the main reasons indicated as grounds for tender annulments have changed. Unlike the previous period when tender procedures were mainly annulled on the grounds of not having received any bids, nowadays the main reason for tender annulment include

unfavourable prices, which is most certainly related to the use of lowest price as selection criterion, inadequate setting of procurement's estimated value and low competition in public procurements. Frequent annulment of tender procedures can also be correlated with suspicions concerning previous intention of awarding the contract to a favoured bidding company. Tender annulments have multiple negative consequences both for contracting authorities and for companies, primarily because procurements are being delayed, the procurement plan is not followed through, and they give rise to insecurity in terms of business decisions, etc.

All these additionally reduced the already low competition in public procurements which, by rule, implies reduced chances for obtaining bids of better quality and possibility for great-

er choice in public procurements. Average number of bidding companies per tender procedures has dropped to less than two. Half of all tender procedures are characterized by two or less bidding companies. Almost one third of tender procedures are marked by participation of only one bidding company. Monitoring of public procurements has identified a number of factors contributing to reduced competition therein: from mandatory e-auction, rigid sanctions implying prohibition for tender participation even in cases of withdrawn bids and refusal to sign contracts, through late payment for contract performance, complex procedures, requirements implying large scope of documents to be submitted, all the way to favouring particular bidding companies, low level of exercising the right to appeal enjoyed by companies participating in tender procedures, long-term cooperation of certain contracting authorities with particular companies, non-division of tender procedures into individual lots even in cases when such practice is considered cost-effective for concerned contracting authorities, pre-tender arrangements among participating companies, specific knowledge, equipment and capacity defined as necessary precondition for companies to participate in tender procedures, etc.

Last among current issues, but not the least important, is (non)transparency in public procurements. Distinction should be made between openness of public procurements, i.e. mandatory publication of procurement notices for all procurements whose value exceeds 500 euros on the single Internet portal - Electronic Public Procurement System (EPPS) and procurement-related information that should be made broadly available to all citizens. More specifically, EPPS hosts information related to procurement notices, required conditions and specifications of procurement subjects, basic information on contracts signed, etc. EPPS is not intended for broader information dissemination for citizens and interested entities that are outside the field of public procurements concerning the manner in which

state institutions spend public funds. Browsing and searching information hosted on EPPS requires certain knowledge and skills that people outside the field of public procurements do not possess and cannot be expected to possess. On the other hand, information concerning public spending made available beyond EPPS is truly scarce and rare.

Moreover, the Law on Public Procurements stipulated that certain information must be published on EPPS within pre-defined deadlines, for the purpose of transparency and accountability in public spending by means of public procurements. However, except for such information, only few state institutions feel the need to voluntarily publish information related to public procurements on their official websites in reader-friendly format, manner and accessibility. Some institutions even fail to publish or delay publication of minimum information stipulated as obligation under the Law on Public Procurements. Mechanism on free access to public information provides an opportunity for access to more detailed information on implemented public procurements, but this right is rarely exercised by the citizens as it also implies particular knowledge and skills. In summary, information related to planned procurements, on-going tender procedures, bidding companies, agreed procurement conditions, contract performance, procurement effects, etc. remain unavailable or inaccessible for citizens, but also for interested bidding companies.

In parallel, except for the so-called ex-post control performed by the State Audit Office, there are no other forms of control and oversight in place during implementation of public procurement procedures aimed at timely identification and correction of problems. This happens in spite of reports drafted by non-governmental organizations based on their monitoring of public procurements and audit reports for state institutions published by the State Audit Office, which have indicated numerous shortfalls and violations of regulations in effect in the course of implementing public procurements.

In this regard, no action was taken to realize proposals made and aimed at awarding the Bureau of Public Procurements such competences and role as enlisted in the State Anti-corruption Strategy 2011-2015.

Absence of any sanctions threatened to those implementing tender procedures in cases of intentional violations and manipulation of rules and regulations has undoubtedly played its role in the vast number of law violations observed. All these leave broad space for abuses, starting with the stage on procurement planning, through implementation of procurement procedures, all the way to contract performance.

LEGAL PROTECTION

Fast, efficient, transparent and non-discriminatory appeal procedure is of substantial importance for the exercise of this constitutionally-guaranteed right and protection of integrity in public spending. Despite the increasingly frequent complaints made by companies concerning state-of-affairs in public procurements, the number of appeals is decreasing contrary to increased number of tender procedures. Deadlines for lodging an appeal (eight and three days) are shorter compared to those applied by EU member-states and the neighbouring countries. The method for calculating legal protection fees makes the appeals most cost-effective in cases of big tender procedure compared to tender procedures of lower value and scope, notably because costs for legal protection are much lower in big, rather than in small tender procedures.

Companies participating in tender procedures have enlisted three major reasons that often discourage them to lodge appeals in tender procedures: high costs in the appeal procedure, fear of retribution by contracting authorities whose decision or procedure they have appealed, and insufficient trust in the appeal procedure.

RECOMMENDATIONS

Proposed law amendments are aimed to ensure greater cost-effectiveness and efficiency in public spending, enable greater transparency, encourage competition, stimulate greater participation of small companies in public procurements and align the legislation with applicable and new EU directives and good practices. For that purpose, it is proposed:

- To revise the legal solution concerning introduction of the Council of Public Procurements;
- To emphasize the principle “best value for the money spent” in public procurements;
- To align contract awarding criteria with new EU directives where the priority criterion is defined as economically the most favourable bid, comprised of several elements where in addition to price, consideration is made of quality and cost-effectiveness of the procurement;
- To make organization of electronic auctions as the final stage in public procurement procedures optional (elective) and applicable only in procedures that concern procurement of goods defined by standard quality;
- To align grounds for issuing negative references and fines for companies participating in public procurements with those applicable in other European countries;
- To cap the maximum amount of annual income to be achieved by bidding companies that is used as requirement for demonstration of economic and financial capacity as twice the amount of the procurement’s estimated value;
- To narrow the space for annulment of public procurement procedures;
- To extend deadlines for lodging appeals from current eight, i.e. three days, to ten days and to set the fee for motioning appeal procedure in front of SCPPA as share of the procurement’s value;
- To introduce gradual accountability for non-compliance with the Law on Public

Procurements, starting from disciplinary, through misdemeanour to criminal, and to leave the regulation of penal provisions in the field of public procurements under the Criminal Code;

- To introduce mechanisms on control and oversight of public procurement procedures as early as their announcement and implementation, for the purpose of timely prevention of non-compliance with and violation of provisions contained in the Law on Public Procurements;
- To adherently implement measures proposed by the non-governmental sector and aligned with similar measures taken at EU level, for the purpose of facilitating access to public procurements for small and microenterprises;
- To adherently implement recommendations made by the Bureau of Public Procurements and addressed to contracting authorities for proactive publication of information related to public procurements, with a view to achieve greater transparency in public spending and to realize commitments assumed under the Open Government Partnership.

Current state-of-affairs, problems and proposed measures aimed at promotion of public procurements in the country presented in this document primarily concern the most important problems that necessitate urgent resolution. Any significant changes to the Law on Public Procurements for the purpose of aligning it with the new EU directives in the field of public procurements should be pursued by means of broad public consultations and should make due consideration of indications concerning state-of-affairs in the field of public procurements made by all stakeholders in the process, experiences, solutions and good practices from other countries, remarks made by other international institutions, as well as specificities of the domestic market.

INVESTIGATIVE



REPORTING AGAINST ALL ODDS

Despite hostile politicians, sealed institutions, restricted access to information and vicious attacks by government controlled media, investigative reporting is not extinct - quite the contrary.

ANA PETRUSEVA

The once thriving media scene in Macedonia in the 1990s and early 2000s has changed beyond recognition. Since media owners started to trade their influence for political and business interests, it has gone downhill. Critical media have been shut, journalists face worsening social and working conditions and have been disciplined with libel suits, which in turn boosts self-censorship. Millions of euros of taxpayers' money have been funneled into media for government commercials, which in turn has resulted in more censorship.

That is a good investigation topic: to which media has it gone, how much and based on what criteria? It cannot be done; the information is off limits. The public broadcaster has also been turned into a mere propaganda tool. Unsurprisingly, Macedonia now ranks worst in the Media Freedom Index by Reporters without Borders, in 117th place out of 180 countries. Back in 2009 it ranked in 34th place, back when Macedonia did not jail journalists.

Over the years, the government has managed to get a grip of almost all private TV stations with highest viewer ratings as well as major newspapers. Journalists and editors who declined to pledge allegiance were sacked or forced to resign. As a result, professional standards have deteriorated as what once was coverage was transformed openly into PR for the ruling party. Integrity has been replaced by compliance or outright obedience.

In such conditions, it has become acceptable for a dozen major media to carry the same exact report, word by word, just signed or read by a different journalist. Critical voices or findings documenting wrongdoing have been ignored or vilified as conspiracies by foreign mercenaries or opposition supporters. In the meantime, the lines between the party and the state have been blurred, while the judiciary and state institutions have been turned into instruments of party interests.

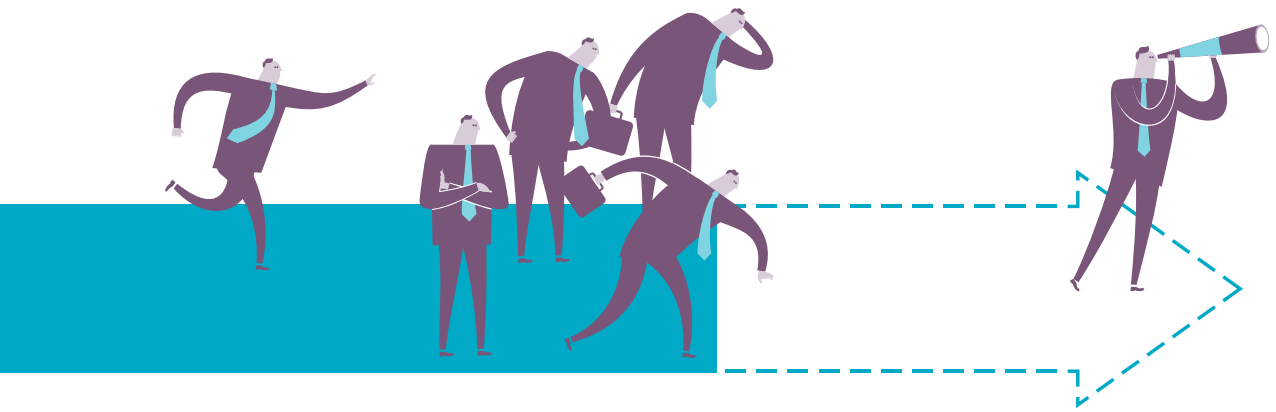
The turmoil peaked when the opposition Social Democrats accused the ruling party of wiretapping on a massive scale and started re-

leasing batches of covertly recorded tapes that they insist contain incriminating evidence against many senior officials, including proof of high-level corruption, the government grip's on the judiciary, prosecution, businesses and media, politically-motivated arrests and jailings, electoral violations and even an attempted cover-up of a murder of a man by a police officer.

However, the content of those tapes never made it into the government controlled media. They followed the line of the now former Prime Minister Nikola Gruevski that the tapes were "fabricated" by unnamed foreign intelligence services and given to the opposition to destabilise the country. Recent media monitoring reports further document favourable reporting for the ex-PM and vicious campaigns against the opposition and the Special Prosecutor tasked with investigation the wiretapping allegations. Against this complex backdrop investigative reporting is usually confined to independent portals and non-profit organisations.

INVESTIGATIVE REPORTING & PROPAGANDA?

In a situation where basic news coverage cannot escape the propaganda fog, deciding to embark on an investigation is a Herculean task. It means doors slammed in your face, unanswered phone calls, evasive officials, deafening silence by institutions. State institutions deny Freedom of Information requests as "confidential" or "private", even on matters of clear public interest such as declared assets of officials. A popular tactic is to exhaust all possible deadlines before denying or responding to information requests. Designated officials decline access to press briefings to journalists who are not perceived as friendly while official responses are delayed indefinitely. Other sources refuse to speak to journalists, fearing the potential consequences for their jobs, businesses and family.



If you persevere and get to publish your story, no matter how significant it is, prepare for the next blow. Impact. You expect and hope - after months of collecting documents, stalking sources and begging various seemingly nice women in different ministries for basic information - that people would read or watch the story you crafted so carefully and meticulously because at the end of the day people have the right to know. They need to know if their leaders are abusing their power, are entangled in corruption, are breaking the law, laundering money or concealing fraud. The people have the right to know; the institutions have the responsibility, the obligation, to react.

Confirm, deny, launch probes, investigate, determine if there was wrongdoing, what mistakes were done, whether there was a systemic failure and ensure to prevent similar cases. Silence. For sure, some people will see it, some website will mention it, some will hate it, others will praise it, you will take your fair share of compliments and endure hateful comments on Twitter and Facebook but the mainstream media will remain an unscathed fortress - not even a crack. And, when they stay silent, you can be sure decision to ignore it will also translate to institutions.

The other scenario is not silence. It is extremely loud. You get impact - not your story, however, but you. Someone digs up your photo from Facebook, the least flattering you have and forgot to erase and you become the

story. You may become an opposition mercenary, a traitor who gets foreign money to promote some dodgy agenda that inevitably involves Macedonia as key geostrategic point torn between the West and Russia. You may become a whore, or, worse, a lesbian. The central issue is not now what you investigated but why you did it.

Dark forces must lurk in the background, otherwise why on earth would you attempt to undermine the nation's leaders, question their actions and publish information that could be perceived as challenging official versions of events? The public interest is not the answer. Public interest now translates to party interest. One media starts, another takes over, the whole pack joins in to make sure you are discredited regardless on what basis, never to be trusted again. You survive, take the punches, act brave, calm down your friends and family, assure them that all this will be quickly forgotten. And you ask the question: Why I am doing this? What is the point to all of this? The public does not care, the state even less, there are very few media who do either, and they are struggling with the same problems every day. Is it really worth it, all these years of my life devoted to journalism? Then it dawns on you, again. That feeling of defiance, sense of purpose, that deeply rooted conviction that you can make a difference, no matter how small, and again you say: "After all...Tomorrow is another day."

Seasoned journalists still remember times of groundbreaking stories that resulted with sackings, resignations, trials and changes in legislation, but also the respect for journalism as a profession, now downgraded to leak journalism, party press releases and paparazzi.

NOT EVERYTHING IS GRIM:

Despite the challenges and numerous risks, including lawsuits regardless of whether the story is airtight, various Macedonian journalists have continued to produce investigations documenting electoral fraud, corruption, abuse of office, the wealth of politicians, dodgy offshore businesses, environmental damage and organized crime links. Investigative reporting has moved from the classic newsrooms to small independent media and civil society organisations, usually with foreign funds and relieved of local political and business pressures.

Entire databases have been compiled documenting public spending, which is no easy task in a system riddled with obstacles. The Cen-

tre for Civil Communications has examined thousands of documents to prepare in-depth reports and investigations about the biggest 100 tenders in the country, about cars bought by different institutions over a three-year period, employment in each municipality in the country, spending of the municipalities, living standards in the country and much more.

Those stories present a valuable resource for other journalists and researchers in their work.

BIRN Macedonia has and is still documenting the cost of “Skopje 2014”, which, despite official estimates of costing 80 million euros, has now reached over 640 million euros in terms of taxpayers’ money. The database is compiled from public documents and provides detailed information not only about everything built in Skopje in recent years but also gives people the option to search, cross reference and check design authors, companies and institutions that paid for the project. Other journalists have documented controversial trials, bribery allegations and ties to organized crime.

The problems that plague Macedonia are not unique. On the contrary, they characterize a number of authoritarian regimes, from Hungary to Turkey. Legislation is a first stop to pressure on the media, lack of transparent media ownership, with numerous media outlets registered in offshore heavens, government control through direct advertising or via marketing agencies, down to hands on the editorial tillers in newsrooms.

The remedies are not exceptional: rule of law, with police and judiciary released from the claws of government, liberal information legislation, no government funding, self-regulatory bodies, strong impartial public broadcasters, donor funding to increase journalism standards - and support for investigative reporting.

