

WHAT DO CIVIL SOCIETY ORGANIZATIONS GO THROUGH TO GET TO INFORMATION FROM THE STATE INSTITUTIONS IN MACEDONIA AND HOW THE LACK OF DATA AFFECTS ALL RESEARCH?

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Working in the civil sector must be a challenging task anywhere in the world. Macedonia is by far not an exception to this case. Civil society organizations (CSOs) face lot of obstacles from lack of funding to lack of interest in their work and above all lack of acceptance by the government and other state institutions as equal partners in the decision-making processes. Doing high quality independent research in surroundings like this can be quite the Sisypheus task. Analytica has written many times about these challenges. In 2012 it was stated that: “there is a feeling that in Macedonia exists an undergoing trend that CSOs or the majority of them dealing with energy are not very prominent in the developments regarding the rising of the energy prices; the new initiatives for EE measures or the changes in the energy laws and bylaws.” ([Civil society and energy –why are CSOs on the margins?](#)). Then in 2013, it was stated that “energy and security sector are less cooperative than other sectors, showcasing uneven sector-related implementation of the Strategy. Few of the CSOs are satisfied with the cooperation with certain institutors of these

sectors; however major dissatisfaction is also noted...it is a real challenge for the CSOs to influence the policy making process in the energy and security sector domain and especially to be provided with feedback on the submitted opinions on emerging legislation.” ([Security and energy sectors’ cooperation with the civil society in Macedonia – friends or foes?](#))

These issues continue to exist further, making CSOs work in the research department not any easier. Not taking into account many CSOs recommendations leads to having gaps in data or good solutions that the country needs in order to be able to prepare future strategies/action plans/laws/bylaws. Having different perspectives into one sector cannot be harmful and the reluctance to “take a leap of faith” and include the professional CSOs in the adoption and implementation of these documents remains a hindrance to stronger development.

The particular problem with lack of data is unfortunately not stated loud enough by the research communities in Macedonia. The fact that there has been no census for over 10 years is making any sort of planning for development

(Образец ПП ____)

До _____ Министерство за животна средина и просторно планирање,
(имател на информацијата)

Б А Р А Њ Е
за пристап до информации од јавен карактер

Вра основа на член 4 и член 12 од Законот за слободен пристап до информации од јавен карактер ("Службен весник на Република Македонија бр. 13/1.2.2006 год."), од имателот ја барам следната информација од јавен карактер:

Ве молам наведете ги податоците за емисии - CO₂-eq од сектор комерцијален/институционален/станбени во Македонија за периодот од 1990 год. до денес.

(опис на информацијата која се бара)

Форма во која се бара информацијата:

- а) увид
- б) претпис
- в) фотокопија
- г) електронски запис
- д) друго _____

(се наведува бараната форма, со заокружување)

Начин на доставување на информацијата:

- а) по пошта
- б) телефон
- в) факс
- г) е-маил
- д) друго _____

(се наведува бараниот начин, со заокружување)

Барател на информацијата: _____ Аналитика

_____ ул. Даме Груев 7-8/3 1000 Скопје, Т/ Ф: 02 312 1948
(назив, име и презиме, адреса, тел, факс, е-маил)

Застапник / полномошник на барателот на информацијата:

_____ Соња Зубер, ул. Даме Груев 7-8/3 1000 Скопје, Т/ Ф: 02 312 1948
snsteska@analyticamk.org
(назив, име и презиме, адреса, тел, факс, е-маил)

(Правна поука: Барателот не е должен да ги наведе и образложи причините за барањето.)

но треба да наведе дека станува збор за барање за слободен пристап до информација од јавен карактер)

Во _____ Скопје

22 август 2013_ година Скопје

Picture 1 – how the form for requesting free access of information looks like

null and void. In consultations with institutions it has been mentioned that even the state does not have the data of the exact number of public buildings it owns. With issues like these catching up the developed countries looks like a distant dream.

There are many other vital data missing from many sectors which are the main GDP providers like agriculture or industry. In that sense there is missing data such as: the amount of proteins consumed pro person; the exact green house gas (GHG) emissions per animal, the exact type of energy fuel big industrial complexes use per year and how much they actually use those fuels for production

purposes, updated real-life data on the emissions from each industrial branch etc. Furthermore, in the other sectors such as buildings or transport the situation is far from good as well. Macedonia for instance uses different labeling and statistical analysis from the EU making any sort of planning in the direction of implementing EU directives and strategies very difficult. For instance there is no good division and distinction made between commercial and public buildings, or there is no data on passenger kilometers in road transport that encompasses cities and towns as well. No planning on how to curb GHG can be done if this particular information is not calculated as the country does not know how much its citizens drive and use the road transportation module for example or how large the building stock is.

These issues cannot be solved through the night. However, there is an urgent need to finally start working on dealing with them in Macedonia, and no political excuse is good enough to not improve the lives of all citizens.

The problem with access to data

It is true however that CSOs' work is becoming easier with utilizing the Law on free access of information even when there is lack of data. The institutions are obliged to respect it and after they receive

a request, a special form that needs to be filled in (Picture 1), they are obliged to respond in 30 days (the wait was longer before, however with the latest changes of the Law on free access of information this was improved and shortened). In other words this is how the procedure should be¹ :

1) Fill in and send the form with which the information needed is requested – waiting for 30 days to get the requested information (the experience shows that different institutions require handling this request in different ways. For example, some ministries ask to receive the request by post with signature and stamp of the organization sending it, some do not have specific rules and do respond also on requests sent by email such as the Ministry of environment and physical planning, and some institutions tend to over-classify data such as the ones working in the security sector);

2) Making phone calls or writing mails if there is no information given in order to make an inquiry of what has happened to it;

3) Filing a complaint to a specialized body in a second instance if there are no legal grounds for the refusal to give information or no information was provided whatsoever and the dead-line has passed (Commission for protection of free access of information). The dead-line for making a decision upon a complaint is 15 days;

¹ Some of these steps are not written in the laws, like making the inquiries if the dead-line is passed and no information was given, but are anecdotal experience of working in the civil society sector and utilizing the Law on free access of information on daily basis.

4) If the decision of the Commission is not respected and the information is yet again not given to the one who asked for it, the case can be taken to the Administrative Court as a last appeal instance;

5) Last instance is the court, however even if after this the institution refuses to give the information there are usually no penalties involved – the court does not have the means to enforce the decision.

As it can be seen this procedure for getting simple information can be:

- too long;
- money draining;
- time consuming;
- it can make the research unusable or outdated;
- in the case of CSOs, the donor funding that research usually has tight dead-lines and missing those even if it is justifiable can have negative consequences for the CSO in question.

Even though the Law on free access of information is a great tool and needs to be used as often as possible, the state institutions need to be educated on how to make this process easier for them and for the ones looking for that information. Whether that will be doing the whole communication online or shortening even more the waiting period, what is important is to develop a culture where sharing information is widely accepted and not frowned upon.