

## **Comment: Informing Macedonians**

**Author:** [Zoran Jacev](#)

Freedom of information law only first stage in process requiring radical change in culture of official secrecy.

Macedonia is the last country in the region and one of only a few countries in Europe that does not have a freedom of information act.

An article in the constitution says freedom of information is a fundamental human right but as in many other transition states, this has not been enough to ensure access to information.

One reason for this is that over the past 14 years Macedonia never abandoned the traditional public culture that kept the work of the authorities far from popular scrutiny.

A Chinese wall surrounding the institutions of state has kept this space comfortable for the ruling parties - and for corruption.

At the same time, a lack of interest among people in the work of the administration has made these institutions even more untouchable.

The Macedonian branch of Transparency International conducted research in 2004 that backs this up.

It found 41 per cent of citizens did not even know their constitution guaranteed access to information. Another 55 per cent said they had never tried to obtain any information from the government.

The same research showed that out of those that had requested information, 70 per cent encountered serious difficulties. Either their requests were rejected or they never even received an answer.

The initial version of the law to grant public access to official information was prepared in 2003. The draft was publicly debated and different versions were prepared, following criticisms by the media and NGOs.

The latest government proposal, which parliament is expected to adopt before the autumn, has also drawn criticism from NGOs. Despite numerous debates on the law, many NGOs say it remains flawed and will not enable unrestricted access to information.

Although the Council of Europe and Article 19 gave it a positive verdict, local NGOs objected to what they felt was an unclear definition of the exceptions to the right to access information.

They also felt the proposed penalties for those that do not comply with the law were weak and that there are not enough guarantees of the independence of the State Commission that is supposed to guarantee implementation of this law.

The government seems prepared to take some of these cavils on board, not least because granting the public the right to seek and obtain information is a sine qua non for fulfilling the standards for EU and

NATO membership.

Therefore, as the date gets closer when the EU is expected to declare whether it will give Macedonia candidate status, the government will probably be ready to discuss any shortcomings.

But even if the final version accords fully with international standards, the question is whether legal rights of access of information will be the equivalent of the magical phrase "Open Sesame!"

The consistent implementation of the law should change the way institutions work from the bottom upwards, starting from the way information is created, stored and distributed, to an increased responsibility in decision-making, as it becomes clear that mistakes are more likely to be revealed in public than before.

Unfortunately, only optimists expect the mere adoption of the law to be a magic formula when it comes to opening up institutions.

Experience of the transition period reveals that the easiest part of reform is adopting laws, often using a copy-and-paste method.

The devil lies in implementation, as the struggle to open up institutions depends less on the law than on the will of the ruling parties.

Citizens will continue to face difficulties obtaining information until the very moment an order comes from the top. According to most people's experiences so far, that won't happen easily or fast.

Macedonia's top-down power structures will continue to nurture a culture of self-censorship, as officials fear allowing access to information may provoke a reaction from higher up.

Even if an order does arrive from the top, the administration is insufficiently technically and professionally prepared to carry it out. As a result, there will be practical problems in finding the requested information and in meeting the foreseen deadlines, which are relatively brief.

To accomplish real change requires the immediate re-education of people working in the information area and the establishment of an efficient system of records that makes it possible to find documents swiftly and easily.

Unless the right to decide about access to information is devolved to lower levels, the situation will not change significantly, as the top levels keep control of the information flow and keep the administration out of the public eye.

That is why it is important to secure the passage of high-quality bylaws that will regulate in detail the procedures about each institution that is obliged to allow access to information.

The key to changing the mindset of the politicians and the administration will be coordinated international and local public pressure.

Macedonia is only now starting a process to allow the public into state institutions. Nobody can foresee how long or difficult it will be. What matters is that it soon passes the point of no return.

When that happens, the rest will depend on how quickly the public recognises the benefits of access to information and how strongly it fights for its new rights.

Zoran Jacev is president of Transparency International - Macedonia.

**Location:** Macedonia

**Focus:** Balkans: Regional Reporting & Sustainable  
Training

---

**Source URL:** <https://iwpr.net/global-voices/comment-informing-macedonians>