

***Presentation of the Project on the Enhancement of the Macedonian
Law Drafting and Regulatory Management***

Introduction

The OSCE commitments encompass the requirements for transparency and efficiency of the law drafting; predictability and clarity of legislation; public access to legislation, as well as for its effective implementation. These commitments are especially important for the countries “in transition” and candidate countries for the EU, as their implementation is seen as a pre-condition for permanent hold of rule of law and for observance of all other human rights’ guarantees.

The initiative for the Project focusing on the enhancement of the law drafting and regulatory management came in 2006, upon the invitation and with full support from the Ministry of Justice and General Secretariat of the Government. The Project aims at helping the Government in its efforts to improve the quality of legislation, to harmonize it with the EU *acquis communautaire* and to strengthen the rule of law.

Involvement of OSCE/ODIHR

The assistance coming from other international donors with respect to improving the quality of the legislation is sporadic and focusing on a specific piece of legislation or on one stage of the law drafting process. Since the problems encountered during drafting and implementation of legislation appear to be more of systematic nature it was necessary to tackle the big picture and all stages of the law-making process.

The ODIHR expertise and experience in this area represents a valuable contribution to the efforts of the Government to improve the quality and effectiveness of the legislation. It also offers the experience of the countries which have already undergone the process of the approximation of laws with the EU *acquis communautaire*. The OSCE Spillover Monitor Mission in Skopje has been already assisting the Government in drafting of a number of laws from the criminal law area, elections, anti-discriminations etc., with purpose to contribute towards more transparent law-making process with predictable and clear laws as its end products. Therefore, it is placed in good position to assist the ODIHR, not only by facilitating its contacts with the authorities and providing logistics, but also through providing support with respect to the substantive issues of the Project, due to its familiarity with the local context and relevant practices.

Focus of the Project

The first stage of the Project focused on the preparation of the Assessment Report by the ODIHR team and experts, with the support of the OSCE Spillover Monitor Mission in Skopje and in full cooperation with the authorities. The Assessment Report, which has been issued in November 2007, provides a comprehensive overview of the law-making process, identifies its deficiencies in light of international standards in relation to legislation and offers recommendations on how to improve the quality of legislation. It also gives an overview of other donors’ assistance in this field.

Since the Assessment Report serves as a catalyst for the needed changes in the field of legislation drafting and regulatory management, activities were undertaken to make the Assessment known to all local and international stakeholders involved in the law-making in order to gain their support. Current activities focus on setting up a Board composed of representatives from the Parliament, line Ministries, different Secretariats and OSCE/ODIHR. The Board will define the follow up activities for the implementation of the recommendations set out in the Assessment Report, including a number of thematic expert workshops to take place in 2009. It is expected that the Board will draft a document for the Government which will propose changes in the legislative process on the basis of the Assessment Report and discussions held at the workshops.

Project Dynamics

A number of important developments took place after the Assessment Report was issued, such as early parliamentary elections, adoption of new Rules of Procedure of the Parliament, introduction of regulatory impact assessment, etc. All of the above had its impact on the dynamics of the Project implementation and necessitate an update of the Assessment Report, which is to be expected in view of the long span of time during which the Project should be implemented. Additional factor influencing the dynamics of the project is the partnership framework i.e., the coordination of activities with the stakeholders: the ODIHR, the OSCE Mission, General Secretariat of the Government, Ministry of Justice and the Parliament. Once the Board is established, the commitment and motivation of its members will be vital for a successful conduct of the follow up activities and for bringing about the necessary changes in this field.

The issuance and the support which the Assessment Report and especially its Recommendations enjoy from the local and international stakeholders already represent an important output of the Project. Progress of the Project will be further measured through the effectiveness of the work of the Board and the delivered technical assistance in 2009. Although the Project foresees Recommendations for a change in the legislative area to be submitted to the Government as its end result, the progress will be visible once the Authorities implement the necessary changes. For the success of the Project, local ownership of the necessary changes is of the outmost importance.