POLICY REPORT



Politicization in the Macedonian Public Administration

Content

- ... I. Definition and the Genesis
- ... II. Politicization as a Practice
- ... III. The Legal Frame
- ... IV. Politicization in a Regional Context: Is there Any Model Country to Learn From
- ... V. Recommendations
- ... Bibliography



List of Abbreviations:

EC – European Commission

EU – European Union

HRM – Human Resources Management

LCS – Law on Civil Servants

OFA – Ohrid Framework Agreement

PA – Public Administration

PAR - Public Administration Reform(s)

I. Definition and the Genesis

Public administration (PA), as the apparatus through which political decisions are executed, has long been considered a constituent part of government's staff. The idea of an independent and apolitical administration was initially introduced by Woodrow Wilson in his "The Study of Public Administration" (1887) and its practice still remains relatively new, as the PA is in a constant reformation. This line of thought was initially applied in states oriented toward democracy and market economy, while highly centralized communist states disregarded the trend. Interest in the politics-administration dichotomy has reached Southeastern Europe only after the fall of the socialist regimes; yet even since, politics and politicians continue to define the organization and function of the administration in the region. Politicization of the PA derives from the visible and automatic synthesis of the ruling party with the state in post communist states. However, after the fall of the socialist regime in Macedonia, as in the whole region, there have been tendencies to reform the administration in the name of democracy and the market economy, but changes have been moderate, especially in practice. Hence, in Macedonia politicians retain control over the state administration although they are well informed of the benefits of a professional and neutral administration; in consequence, the implementation of democratization processes often stagnates in Macedonia.

However, in order to examine the politicization of the administration in Macedonia, it is important to thoroughly understand the factors that aid its development and persistence in the institutions of the state. Generally, a politicized administration is perceived as a lingering legacy of the socialist regime that the transition to democracy has not managed to eradicate. The inherited communist value of loyalty to the political party rather than the institutions, and the communist party's monopoly on the state apparatus have given birth to a tradition according to which the administration automatically becomes the puppet of the ruling party (or coalition). As was the case with all communist regimes, in Yugoslavia as well, the public administration was highly centralized and hierarchical, serving as an integral part of the executive function of the federal government. Although intermittently,

depending on the constitutional changes of the federation, the position of the administrators was regulated with laws on public servants (referring to the whole state administration). The Law on Public Servants, enacted in 1957, replaced that of 1946, and defined the specific functions of the administration, distinguishing it from the jobs described under the Labor Law. This distinction disappeared with the constitutional changes in 1963 and especially in 1974, which brought about the realization of the communist ideal of a single and equal working class.² Nevertheless, the civil servant position continued to be perceived as a prestigious job and, practically, also an integral part of the executive function. Although employment in the Yugoslav civil service was not conditioned with a mandatory membership in the communist party, party committees were still created from within the civil service.³ Additionally, having close affiliates in the party was the best assurance to becoming a civil servant, despite the great emphasis the system puts on one's education.4 In practice, little has changed in Macedonia, since. It remains 'obsessed' with the formal education of candidates, risking not employing the best (i.e. one's exceptional experience in the field cannot make up for the absence of the exact education required). Also, party membership is officially not a requirement for employment, but party affiliates are one's guarantee for getting the job. Hence, there has been no discontinuation of political interference in Macedonia's public administration after its succession from Yugoslavia in 1991. Indeed, political intrusion has remained a practice taken for granted by politicians ever since.

The issue of politicization in Macedonia's PA system, as in many other former socialist countries, has become more complex after democratization, as now (varying) election outcomes determine the makeup of the administration. Unlike in socialist Yugoslavia, where the same party remained in power for almost fifty years, and the political power exerted on the administration remained constant; today practices demonstrate that, when

¹ Zeljko Sevic, "Government and the State, Politicians and Civil Servants: Politico-Administrative Relationships in Yugoslavia." 15 Jul 2011.

² Sevic.

³ Sevic.

⁴ Sevic.

a different party is elected, civil servants employed by the previous government are either replaced by loyalists of ruling party or horizontally shifted within the PA system. A similar organizational behavior is also manifested at the level of the local government, under the directions of the party to which the mayor belongs, as the mayor's role of a party representative prevails over his professional accountability. The constantly shifting administration, as a consequence of politicization, amounts to other serious side effects, as are its de-professionalization and overstaffing. The manipulation of the PA at both levels of government, not only takes the form of determining the function of the administration, it also plays a key role in the selection, promotion and dismissal of its employees. Only recently, the mayor of a considerably large municipality was reported by the media to have downgraded fifteen employees due to, as they say, their disloyalty to Mayor's newly established party, which had poor results in the last parliamentary elections. It would have come as no surprise had the tradition of politicizing the administration applied only to high positions related to the cabinets; but in the case of Macedonia, politicization has contaminated even positions of the lowest rank, completely unrelated to politics.

Nonetheless, officially, Macedonia has committed to public administration reforms (PAR) due to the importance of an independent and professional administration in actualizing a functioning democracy and market economy in the state. Additionally, PAR is among the crucial reforms with which Macedonia's EU accession is conditioned, which simultaneously encourages the government to carry on with further reforms. Macedonia is the first former-Yugoslav republic to have prepared a PAR Strategy in 1999, which was set to finish by 2010.6 Many legislative reforms were completed in the framework of the PAR Strategy 1999-2010, as is the Law on Civil Servants (LCS), which was adopted only the year after the drafting of the Strategy, in 2000. As provided in the LCS, the Administration Agency was

⁵"Fillojnë "pastrimet" në Komunën e Gostivarit, reagon Rufi Osmani" ['Clearings' begin in the municipality of Gostivar, Rufi Osmani reacts], Zhurnal, 23 Jun 2011. http://www.zhurnal.mk/content/?id=2011623143328. 20 Jul 2011.

⁶ Aleksandra Rabrenovic and Tony Verheijen, "Politicians and top civil servants in former Yugoslav states, back to discarded traditions?" (2004).

established next—the main guard of procedures of employment, rights and obligations of employees.⁷ As PAR Strategy 1999-2010 was outdated, it was replaced by the new PAR Strategy 2010-2015, which has so far established the Ministry of Information Society and Administration. This Ministry will be responsible for the implementation of the PAR Strategy 2010-2015 and is considered to be a major step ahead in the country's efforts for PAR.

II. Politicization as a Practice

One factor that may explain the persistence of political interference in the Macedonian state administration, particularly in the lower ranking positions, is the high unemployment rate (31.2% of the labor force)—the biggest concern in the country, which also makes up the bulk of political rhetoric.⁸ However, efforts to create jobs in the private sector (by inciting local businesses or attracting foreign direct investments) take longer to produce an effect than the immediate employment of hundreds of people in the public sector. Hence, the administration has been a useful (and easy) tool for governing coalitions to increase the employment rate in the country. In addition, those that benefit from the 'mass employment' opportunities are exclusively party loyalists and close ones of party officials, making the administration a reflection of a loyal electorate of the governing coalition. Lately, the already overstaffed administration (that exceeds even the physical capacities of the premises of the state institutions) and the absence of a systematized recruitment, have led to the practice of 'home employment': employees are on the payroll of the state administration but are not expected to show up at work. Such practices directly affect the efficiency of the administration while creating room for further political manipulation.

The deeply embedded politicization in the PA makes it to every European Commission's (EC) Progress Report. Although the last report of 2010 recognizes the advancements that

⁷ The Civil Servants Agency was renamed the Administration Agency with the amendment of the Law on Civil Servants which came in effect on 1 January 2011.

⁸ State Statistical Office, "Active Population in the Republic of Macedonia; Results from the Labor Force Survey, 1st Quarter." No.: 2.1.11.20. 27 June.2011.

have been made with the amendment of the Law on Civil Servants and the adoption of the Law on Public Servants, it emphasizes the failure to implement the legal frame correctly: "Significant further efforts are needed to ensure the transparency, professionalism and independence of public administration. Respect of the legal framework needs to be ensured in practice, in particular as regards staff recruitment." Certainly, although the PAR may have achieved significant results in the legislative aspect, these changes still have not managed to eradicate the political influence of staff recruitment in the state administration. Indeed, the core issue for Macedonia's PA remains the failure to implement the policy reforms that have been passed in the last twenty years, and not their absence.

A recently leaked (highly classified) document by a web portal, containing full personal and contact details of members of a ruling political party that have been secured a work place in the public sector only substantiated the mental perception among the population that political affiliations are a key criterion to winning oneself a recruitment in the PA.¹⁰ It is a public secret that such employments evidence lists exist in the databases of the entire corpus of political parties in Macedonia; however, the public rarely comes across proofs of such scandals. One of the last cases made public was conducted by a national television channel, revealing the politicization and manipulation to which Macedonian civil servants are exposed. It showed that the civil servants who were *rewarded* with a job in the PA were asked to present a list of fifteen or more names (depending on the position of the employee) of relatives and friends, who guarantee to vote for the ruling party in return for having employed their close one.¹¹ Another controversy, highlighting the political intrusion in the HRM of the PA, was recorded in a public speech of a political party representative who boasted that, once his party wins the elections, cannibalistic acts would follow—a

http://www.megastar.com.mk/ochrid/ekskluzivno-spisok-za-197-partiski-vrabotuva-a-vo-vmro-dpmne. 20 Jul 2011.

⁹ European Commission, The former Yugoslav Republic of Macedonia 2010 Progress report accompanying the Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2010-2011, COM (2010) 660, (Brussels, 2010).

 $^{^{10}\}rm{Ekskluzivno}$: Spisok za 197 partiski vrabotuvanja vo VMRO DPMNE" [Exclusive: List of 197
party employments in VMRO DPMNE], Megastat.com.mk, 29 Oct, 2010.

¹¹ Natasa Stojanovska, "Kako do 15 sigurni glasaci za VMRO-DPMNE?" [How to get to 15 confirmed voters of VMRO-DPMNE?] A1, 9 May 2011. http://al.com.mk/vesti/default.aspx?VestID=137714. 20 Jul 2011.

Politicization in the Macedonian Public Administration

6 Page

metaphoric expression alluding to firing people employed by the current ruling party and reserving vacant places for their "clients." ¹²

The consideration of the administration as a property of the ruling party (reserving it exclusive rights to controlling and manipulating the PA) has produced a chaotic and weakened public administration, which in consequence, also mitigates the effect of the legislative reforms that are carried out. The constant renewal of the makeup of the administration—firing experienced and trained employees and replacing them with underqualified candidates—does not allow it to develop institutional missions and professionalism. In consequence, the PA, besides remaining a heavy burden on the state's public expenditures, adds to Macedonia's incapability to cope with the pressure of implementing EU conditioned reforms, and the accomplishment of a fully functioning democracy and market economy.

II.I Ohrid Framework Agreement

The multiethnic makeup of Macedonia is another challenge to the implementation of the public administration reforms. The Ohrid Framework Agreement (OFA), which ended an ethnic conflict in 2001, aims to ensure an equitable political representation of all ethnic groups so that the makeup of the labor force in the public sector reflects the factual census data of the population.

"Laws regulating employment in public administration will include measures to assure equitable representation of communities in all central and local public bodies

 $^{^{\}rm 12}$ Frosina Cvetkovska, "Zivi vmrovci ke jademe za svoite da gi udomime" We will eat living VMRO supporters to shelter our own], Nova Makedonija, 20 Dec, 2010.

http://www.novamakedonija.com.mk/NewsDetal.asp?vest=122010840286&id=9&setIzdanie=22162. 20 Jul 2011.

and at all levels of employment within such bodies, while respecting the rules concerning competence and integrity that govern public administration." ¹³

Despite government's declarative commitments to mend the imbalanced representation of the ethnic groups in the administration, the absence of a long term systematic strategy (that would regulate its actualization by examining all relevant measures: means, time frame, quantity and quality) has caused regressive developments in the administration: equitability is achieved at the cost of further overstaffing the already crowded administration and the employment of many under-qualified candidates only for the sake of fulfilling the percentages. These negative results come due to the abuse of the principles of equitability by political actors who use it as a justification to install their loyalists and friends in the administration in the name of the Framework Agreement. Certainly, OFA is not the cause for the politicized administration in the country; but the absence of a strategy for enforcing it has allowed its manipulation by political parties, which have reduced the value of the principle of equitable representation to mere numbers and percentages. Therefore, the issues that derive from efforts to implement the OFA add to the complexity of Macedonia's need for PAR. This problem is not specific about Macedonia only. Bosnia and Herzegovina with a similar make up of the population and its Dayton Agreement, experiences the same challenge in its efforts to fight politicization. Therefore, the determination to reach an equitable representation of ethnic groups in the state institutions should be looked at carefully as a long term plan of the government, and under no circumstances, should it be used as a justification for sacrificing the quality of the staff recruited in the name of quantity.

III. The Legal Frame

Although politicization is an inherited tradition in Macedonia, during its democratization processes it has been putting efforts in drafting a legal frame that will eliminate the phenomenon from the administrative practices of the state. Nevertheless, it is necessary to

¹³ Section 4.2, "Ohrid Framework Agreement," 13 Aug, 2001.



Politicization in the Macedonian Public Administration

8 Page

screen the legal frame of the PA for any possible gaps that allow the interference of politics in its organization and functioning.

The adoption of the Law on Civil Servants in 2000 is one of the most significant achievements in the legal basis of the PA in Macedonia. ¹⁴ The Law addresses all necessary aspects that define and regulate the position of civil servants: employment procedures, promotions, salaries, rewards, and dismissal. It separates civil servants in three groups: (1) managerial, (2) expert and (3) expert-administrative; of which, most positions are career based, as they require a certain period of work experience in the civil service, besides other qualities. However, among the managerial positions (which are also career based), the government has retained the right to appoint itself the State/General Secretary with the justification that the minister should be free to form a team of own choice with whom one wishes to work. ¹⁵

Although with the recent founding of the Ministry of Information Society and Administration many of the competences of the Administration Agency were transferred to the Ministry, the Agency remains the main body in charge of recruiting civil servants, as authorized by the LCS. The Administration Agency announces the vacancy upon the request of a state institution, and on the meantime forms a Commission for the employment of a civil servant, made up of a president and two members. The president and one member of the commission are civil servants (the president holds a managerial position) and the second member is an employee of the Agency. The Commission examines the applicants for the opened positions in the civil service and interviews the most successful ones. Then, based on the results of the tests, their education, and work experience the Commission

¹⁴ Some other significant laws adopted in the framework of PAR 1999-2010 are: Law on Organization and Operation of the State Administrative Bodies, Law on the Government of the Republic of Macedonia, Law on Territorial Organization of Local Self-Government in the Republic of Macedonia, Law on General Administrative Procedure, Law on Institutions, Law on Personal Data Protection, Law on Administrative Disputes, Law on Access to Public Information, Law on Prevention of Conflict of Interests

¹⁵ Managerial positions according to the Law on Civil Servants are: State Secretary, State Advisor, Head of Department, Assistant to the Head of Department and Head of Unit.

Politicization in the Macedonian Public Administration

Page

makes the pre-employment selection and submits a list of three most qualified candidates to the State Secretary at the respectful institution, who is to make the final selection. ¹⁶

All in all, the most threatening element of politicization in the Macedonian PA is the politically appointed State Secretary, who is often a member of one of the governing parties and, at the same time, the leader of his team of civil servants. State Secretary's close political affiliations and powerful supervisory position in the civil service (among others, the Secretary decides on the selection of candidates, promotions and dismissals) indicate that when there are intentions to politicize the administration (an attribute with which the Macedonian political culture certainly is characterized) the post of the State Secretary serves political parties as a good channel for materializing it. Hence, the latest amendments of the LCS (March 2011) that subjugate civil servants to adequacy tests twice a year and vest the State Secretary with more competences in evaluating their performance, have incited fears that the amendments will serve as a means of clearing the administration of loyalists of opposition parties.

Generally, the LCS is acknowledged as efficient and effective in regulating the public administration and it certainly cannot be considered the source of politicization in the state (despite some weaknesses which the PAR Strategy 2010-2015 plans to address). However, as the new PAR Strategy 2010-2015 admits, PAR 1999-2010 failed to be implemented with the many adopted laws during the period 1999-2010. The failure to execute the laws that are, de jure, in force suggests that little has changed in the PA with the adoption of these laws, as the rule of law principle is highly ineffective in the state. The PAR 2010-2015 Strategy justifies this failure to implement laws with the claim that the reforms are still on their 'legislative phase' and the 'factual application' will follow once the first phase is finished.¹⁷ Indeed, the phenomenon of politicization in Macedonia is imbedded in its political culture rather than the laws; and for as long as the laws are weak political culture cannot be overcome. Therefore, it is important to emphasize that reform processes in the

¹⁶ The procedure is described in the Law on Civil Servants.

¹⁷ Draft Public Administration Reform Strategy 2010-2015, Republic of Macedonia. 21 Dec 2010.

country are intertwined and the level of success in PAR depends gravely on the level of developments in other spheres of governance.

In consequence, the Law on Civil Servants is not a genuine representation of the actual practices in the Macedonian PA. The procedures described in the Law are overlooked and, indeed, the Administration Agency is not nearly as independent as the Law provides; e.g. it often receives from political bodies the application codes of the desired candidates who eventually do get the job. Yet, although the law does not invite political intrusion, it poses no threat (consequences) to political bodies when it is circumvented. Therefore, the purpose and the effectiveness of the new amendments in the LCS, which provide for stricter and more complex tests for the applicants and the already employed civil servants, is suspicious—it is considered as likely that the ruling party aims to turn the PA into a loyal electorate while calling for changes in the name of professionalism and depoliticization. ¹⁸ So far, the problem with the inefficiency and politicization of the administration has not been the easy tests but their mere superficial symbolism as an admission criteria and the complete disregard of the results. Therefore, the combination of overlooked test results and politically selected State Secretaries rises concerns over government's capability and willingness to ever implement reforms completely.

IV. Politicization in a Regional Context: Is There Any Model Country to Learn From?

The Western Balkans have made important steps in the advancement of pluralism in the REGION, however, the public administration remains a field where, due to a combination of reasons, ranging from economic and political to cultural, reforms progress very slowly. Besides the common socialist legacy, former Yugoslav republics have also shared the consequences of the violent conflicts that broke up the federation. The violent fall of Yugoslavia had a negative impact on the financial, organizational-structural aspect of the region, and it did not spare the public administration either. Not only did wars delay

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 $^{^{18}\,}$ Zakon sa Drzavni Sluzbenici [Law on Civil Servants], Official Gazette of the Republic of Macedonia, Nr 36/2011.

reforms in the states affected, but due to their geographic proximity, neighboring states felt the negative consequences as well (e.g. flow of refugees, damaged trade). For instance, Macedonia's public administration reforms were interrupted by the Kosovo crisis in 1998-9 and preceded only in 2002 after the Ohrid Framework Agreement in 2001, which ended an ethnic conflict in Macedonia.¹⁹

Other neighboring states were in no better position as far as the public administration reforms are concerned. Serbia was the last of all the republics to rid the Milosevic government, inherited from the socialist era of the state; and was directly impacted by every war for secession from Yugoslavia, as it was the center of the Milosevic regime. Serbia began reforming its public administration only in 2001 but politicization still remains one of its main challenges.²⁰ Indeed, politicization increased after the fall of the Milosevic regime and, similarly, in Croatia after the Tujman administration as the new governments used the possibilities in the legislation they inherited to make the public administration a political tool that served the interests of their party.²¹ Serbia's split with Montenegro in 2006 is another interruption in its efforts to reform the public administration, which required attention and delayed any radical reform in public administration.²²

Bosnia and Herzegovina, on the other hand, has a very particular way of tackling politicization that varies from the rest of the region—requiring that civil servants are not "members of a governing board of political party, and cannot follow the instructions of political parties." ²³ Indeed, the problem with the administration of states in the Western Balkans is not the absence of strategies for reforms, rather the failure to execute those

¹⁹ Rabrenovic&Verheijen.

²⁰ Rabrenovic&Verheijen.

²¹ Lenard J. Cohen, "Administrative Development in "Low-Intensity" Democracies: Governance, Rule-of-Law and Corruption in the Western Balkans," Simons Papers in Security and Development (June 2010). 28 Mar 2011.

²² Cohen.

²³ Cohen.

strategies. Similarly, in Bosnia and Herzegovina, it is widely believed that despite the criteria set by the civil service agency, political appointment of civil servants is extensive as they either belong to or have close ties with political parties.

Of all the successor states of Yugoslavia, Slovenia has proven to be most successful with the implementation of its public administration reforms. Since the 1960s through a quasi market economy and the free movement of people Slovenia began importing democratic and market economic values, especially through contact with its neighboring countries, Austria and Italy.²⁴ These conditions have facilitated Slovenia's transition to pluralism including its efforts to reform the public administration. Nonetheless, in spite of the many challenges Slovenia inherited from the socialist regime regarding the public sector, politicization was not one of its leading concerns.²⁵ Its relatively peaceful secession from Yugoslavia, its economic growth, the developing (although at its initial stage) private sector, and certainly its cultural background, have made Slovenia resistant to political or economic crisis during the transition; hence, also preventing the politicization of the public administration during transition.²⁶ The success of Slovenia's reforms brought about its membership to the EU in 2004. However, its reforms did not end with its EU accession. Indeed, reforms intensified thereafter (and still continue to date), which then also enabled Slovenia to join the Eurozone in 2007 and to hold the EU presidency in 2008.²⁷ There is much Macedonia can learn from Slovenia's reforms on public administration despite their contrasting historical, political and economic developments; nonetheless, as far as depoliticization processes in the public administration are concerned, the two states (due to their very different stages of development) do not share much in common. Those states which actually share the problem are still combating politicization, as is Macedonia.

²⁴ Zlata Ploštajner, "Slovenian Public Administration: Continuation of Reform." 05 Apr 2011.

²⁵ Rabrenovic&Verheijen.

²⁶ Zlata Ploštajner.

²⁷ Polana Kovač, "The Continuous Modernisation of Public Administration in Slovenia" (2007). 05 Apr 2011.

V. Recommendations

- The examinations of civil servants, as provided in the LCS; and the overall strengthening of the career based system should help reduce the number of incompetent employees in the administration, while making it attractive for and stimulating the competent employees.
- One way to keep experienced workers inside and reduce new employments is by means of vertical and horizontal transfer of competent civil servants around departments or other state institutions every time a new position opens.
- Strengthen the strategic human resource planning to effectively harmonize the present and future goals of the institutions with the employees' competences needed.
- The government should comply with the PAR Strategy and its Action Plan with full commitment and timely.
- Institutions should develop a strong internship program for recent graduates and also efficient probation periods that can serve both, as a test and a training period for the future civil servants.
- Professional recruitment strategies should be implemented, where along formal educational performances; other practical and professional skills of candidates will be emphasized.
- There should be a closer cooperation between the Ministry of Information Society and Administration and the Employment Service Agency in the country to deprive the political parties from their role as mid-employment agents, so far.
- In accordance to the need for equitable representation in the administration, the government should draft a *long term strategy* regarding its actualization, focusing on means that will discontinue the tendency of manipulating the OFA principles for political goals.
- The strategy on implementing the ethnically balanced composition of the administration should also be harmonized with or incorporated in the PAR Strategy as they both dwell on the same topic.

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