

Evaluation of Public Administration Reforms in North Macedonia from the perspective of European Commission's Annual Progress Reports

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UDK: 35.071(497.17)
341.176(4EU:497)

<https://doi.org/10.31297/hkju.23.1.6>

Preliminary report / prethodno priopćenje

Received / primljeno: 27. 3. 2022.

Accepted / prihvaćeno: 15. 3. 2023.

The issue of public administration reform in the Republic of North Macedonia has been addressed in different researches, but the European Commission reports published after obtaining the status of candidate country for membership in EU in 2005 have not been fully analyzed. The European Commission Annual Progress Reports are being

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publicly discussed by political entities, but not in the way that allows policy-learning and public administration reforms. This paper aims to highlight recurring shortcomings in public administration over the years and the steps taken or not taken by the government to resolve them. Findings and suggestions stemming from this paper aim to serve the wider academic community, policymakers, and stakeholders to create a stimulating effect on public authorities to reform public administration in accordance with the needs of citizens and the country's Euro-integration processes.

Keywords: public administration reforms, European Commission Annual Progress Reports, Republic of North Macedonia

1. Introduction

The reform of public administration (PA) has been presented as a need since the declaration of the Republic of North Macedonia's (RNM) independence in 1991, but the requests for conducting the real reforms have emerged from the moment of submitting the application for membership in 2001, and especially since obtaining the status of "candidate country" for EU membership in 2005.

The PA in Macedonia is constantly undergoing several reforms, all with the intent to meet the specific needs and requirements requested by the EU. Some formal documents were prepared in order to accomplish that: the PA Reform Strategy (1999), the Government program for the period 2017–2020, the Strategy for Reforms in PA for 2018–2022, the Government plan for immediate priorities Plan 3–6–9 and the Government Plan 18. These documents express the political will of the governments to reform the PA, and this paper offers the analysis of their main content and goals.

The PA reform was first conceived in the PA Reform Strategy (1999), which identified several key reform areas, including the overall PA system, the system of local self-government, redefining the role of the state, the implementation and protection of citizens' rights, restructuring of public finances, development of information systems, etc. (Government of North Macedonia, 1999, p. 10). In order to implement these reforms,

the Government of the RNM took the initial steps by creating the institutional basis and setting up the following bodies: a) the Commission on PA Reforms as the highest inter-ministry body to lead directly the process of reforms in PA (Government decision, January 1998); b) the Secretariat for the Support of the Commission on PA Reforms (Government decision, March 1999), c) the PA Reforms Unit, to implement the activities of the Commission on Reforms and those of the Secretariat (Government decision, October 1999). The following bodies were encharged for coordinating the reforms in PA: a) the Prime Minister and the Government as competent for the strategic management of the reform process in PA and the b) Collegium of State Secretaries and the Secretary General of the Government as competent for direct coordination of PA reforms.

As a result of the internal interethnic conflict between the Albanian and Macedonian communities, the Ohrid Framework Agreement (OFA) was signed on August 13, 2001,¹ which was also included in the constitutional changes. Among the priority obligations that emerged from the OFA were: the reform of the PA in terms of equal and adequate representation of members of minority communities, and the implementation of the process of decentralization which required the transfer and delegation of competencies from central government to local self-government units in the field of education, social protection and local economic development.²

The PA reforms were also part of the Stabilization and Association Agreement (SAA) with the EU, signed on 9 April 2001 in Luxembourg. Paragraph 4 of the SAA Preamble defines PA reform as one of the main objectives, while Art. 74 emphasizes the concrete obligations for the state in terms of strengthening the PA at all levels. The state was thus encouraged to work on establishing strong institutions and strengthening the capaci-

¹ Signed in Skopje on 13 August 2001 by Boris Trajkovski – President of the R. Macedonia; Ljubco Georgievski – Prime Minister of the R. Macedonia and Chairman of VMRO-DPMNE; Arbën Xhaferi – chairman of the DPA; Branko Crvenkovski – President of SDSM; Imer Imeri – chairman of PPD with the presence of international community representatives: François Leotard – EU Special Representative, and James Pardew – US Special Representative

² According to the Law on Local Self-government (Official Gazette No.5/02), the increase of competencies in terms of local economic development, rural and urban development, municipality funding, environment protection, public services, education and healthcare implies reforms in the role of the state in the management of sectors to be decentralized. As of now, the local administration has to be reformed in terms of improving all capacities for a successful realization of all the duties, and implementation of modern managing methods which will enable efficient realization of the rights of citizens, and their greater participation in the management of local affairs.

ties of administrative staff, so that they can meet the country's challenges for EU integration. Relevant PA reform laws were adopted, but they did not change the practical functioning of the PA – it continued to be inefficient, non-transparent and heavily influenced by politics (Azizi, 2008, pp. 57–79).

In the Government Program for the period 2017–2020, the Government commits itself to create a professional, efficient, accountable and transparent PA, that will provide quality services to citizens and the business sector. The Program states that the principles of justice, professionalism, legality and impartiality in the exercise of functions and promotion procedures will be applied as well as the new remuneration of employees in the public administration, so as to create an administration that will be freed from the shackles of political parties, and that will search for solutions to problems of citizens and business entities. The program foresaw the following:

- proposing a new Strategy for the reform of the PA and setting up a center of excellence that will make real analysis of public policies and give proposals for improving the work of the PA,
- realization of adequate representation of communities and solving the problem with state officials who are receiving salaries, while they are not allocated to particular positions,
- establishment of the PA Register in which the total number of permanent and temporary employees in the public sector will be announced,
- elimination of unnecessary expenses for participation in a public competition and abolishment of the psychological test as a condition of employment,
- arranging the working hours of selected institutions in two shifts (up to 20 hours) to provide timely service to all citizens,
- establishment of a new civil servants' appraisal system according to parameters that can be measured such as: regularity of work, effectiveness, professionalism and expertise in their work performance,
- increase of wages in the public sector based on economic growth,
- review of the existing training system and introduction of training sessions for selected and appointed persons,
- creation of a single electronic system that will connect all state institutions,
- proposing legal changes to ensure short and efficient administrative procedures, as well as establishing a telephone line at the State Ad-

ministrative Inspectorate, where citizens and companies can report suspicions of a minor offense committed (Government of North Macedonia, 2017, pp. 36–38)

Based on the above-mentioned government program, guidelines set out in the annual progress reports of the European Commission (EC) for 2015 and 2016, and the recommendations of the Group of Senior Experts,³ the Ministry of Information Society and Administration (MISA) prepared the Strategy for Reform in the PA (2018–2022). Its vision was defined as: “A depoliticized, efficient, effective and responsible PA, that provides quality and easily accessible services to citizens and the business community throughout the territory.”

PA reform within this Strategy means reform in four priority areas:

- policy making and coordination;
- public service and human resource management;
- accountability and transparency;
- public services and IT support for the Administration (Ministry of Information Society and Administration, 2018, p. 12).

Its objectives were to create a professional, impartial, accountable and transparent PA, as well as fast service delivery. Among other goals, this strategy aims among others to:

- restore citizens’ trust in institutions;
- structure administrative capacities in order to prepare them for the negotiation process with the EU;
- organize and optimize the restructuring of the PA;
- assure adequate new employment and retention of professional and competent employees;
- assure a simplified and more efficient implementation of modern information technologies;
- provide accountable and transparent institutions, officials and senior employees;
- provide high quality services for citizens and businesses.

The government had planned a fund of € 38 million for the implementation of the measures’foreseen activities, namely: € 13 million from the budget, € 21 million from EU funds and instruments, and € 3.6 million

³ Retrieved from https://eeas.europa.eu/sites/eeas/files/urgent_reform_priorities_en.pdf

from other donations (Ministry of Information Society and Administration, 2018, p. 61).

The MISA report leads to a conclusion that the level of realization of activities from all four priority areas in the 2018 – June 2021 period was 48%, 12% are still in realization, and 40% are delayed in realization (Ministry of Information Society and Administration, 2021, p. 14). Even after the end of this period, PA was not reformed according to the plan foreseen in this strategy.⁴

The Government Plan 3–6–9 is an extraordinary reform plan of the Government of the RNM, consisting of specific activities in the priority areas, the implementation of which should lead to the unconditional recommendation for the start of negotiations for the membership in the EU (Government of North Macedonia, 2017, p. 4).⁵

Plan 3–6–9 refers to a one-year period between April 2017–April 2018, and includes 130 measures, of which 60% were met, 6% partially, 11% remain unfulfilled and 23% are immeasurable.⁶ Regarding the total of 16 envisaged measures of the PA Reform, nine have been fulfilled, two have not been completed and one is unenforceable. The following results have been achieved within this plan: Approval of the Reform Strategy of PA 2018–2022 and Action Plan (December 2017); Establishment of the PA Reform Council chaired by the Prime Minister (December 2017); Adoption of the Law on Amending and Supplementing the Law on Administrative Servants (January 2018); Approval of the Guidelines for Good Governance for elected and appointed persons in the executive power (March 2018); Preparation of the Open Data Strategy (March 2018); Approval of the Public Financial Management Reform 2018–2021 (December 2017); Preparation of a Policy Document for the Public Internal Financial Control Reform (March 2018).

⁴ See the evaluations of the European Commission in the Annual Progress Reports and findings in the Annex of this paper.

⁵ The following results have been achieved within this plan: Approval of the Reform Strategy of AP 2018-2022 and Action Plan (December 2017); Establishment of the PA Reform Council chaired by the Prime Minister (December 2017); Adoption of the Law on Amending and Supplementing the Law on Administrative Servants (January 2018); Approval of the Guidelines for Good Governance for elected and appointed persons in the executive power (March 2018); Preparation of the Open Data Strategy (March 2018); Approval of the Public Financial Management Reform 2018–2021 (December 2017); Preparation of a Policy Document for the Public Internal Financial Control Reform (March 2018) etc.

⁶ Retrieved from <https://idscs.org.mk/mk/category/publikacii/izvestai/>

In the Plan, the reform of the PA is mentioned as one of the key priorities of the government, and it was said that the starting point would be the definition of a comprehensive and quality strategy for reforms towards depoliticization, professionalization and establishment of a service-oriented PA, which will operate and work in improved working conditions, utilizing all modern opportunities for access to e-government, e-services and interoperability.

The study “Proposal of civil society organizations for urgent democratic reforms”⁷ conducted by a group of 73 NGOs and experts offers the evaluation of the 3–6–9 Plan. According to the study, the Government Plan 3–6–9 disappointingly does not contain plans and recommendations for more detailed measures and activities in the field of public finance and the economy, and lacks adequate analyses (definitions and priorities, resources needed to meet the priorities, and the goals that must be achieved) for the implementation and approval of such programs (Center for economic analyses, 2017, p.7).

In November 2018, the government also approved the Plan 18, as a plan for key strategic areas such as the rule of law, security services, PA reform and the fight against corruption and organized crime. This plan also included the following postulates:

- depoliticization of PA
- respect for the principle of meritocracy and
- termination of the practice of temporary employment (Government of North Macedonia, 2019, p. 2).

This plan has the ambitions to develop the concept and introduce the category of senior civil servants, with setting the procedures and defining the competencies for their selection. The Plan also aims to start an optimization process in the PA bodies, agencies, and inspection services at the central level.

In the Bertelsmann Stiftung (BTI) Transformation Index report, RNM has been assessed as having some system’s shortcomings, which include: “ ... the spread of corruption, the lack of genuine cooperation between the relevant institutions for criminal prosecution, discrimination and denial of the basic freedoms of vulnerable groups such as the Roma, the appointment of high-profile politicians in independent authorities for the

⁷ Retrieved from <http://cea.org.mk/wp-content/uploads/2017/07/PREDLOG-NA-GRAGANSKI-ORGANIZATSII-ZA-ITNIDEMOKRATSKI-REFORMI.pdf>

guarantee of civil rights such as the People's Advocate, the Commission for Protection from Discrimination and the Directorate for the Protection of Personal Data" (Bertelsmann Stiftung, 2022, p. 12).

2. Remarks which have been Repeated over the Years

This paper offers the analysis of how successful the reforms undertaken by the government in the sphere of PA have been, analyzing the shortcomings, improvements and challenges stated in the Annual Progress Report of the EC since the first report in 2005, when the RNM gained the status of a candidate country for EU membership, until 2021.

What is repeated in every annual progress report of the EC is that "the country is moderately prepared with the reform in the PA". The evaluation of the EC's Annual Progress Reports regarding PA reforms in the RNM is listed below in 10 points:

1. Capacity of the Ministry of Information Society and Administration (MISA) to lead, coordinate and monitor PA reform
2. Financial support in the implementation of PA reforms
3. Temporary employments, meritocracy and politicization
4. Equitable ethnic and gender representation in PA
5. Citizens' access to administrative justice
6. Access of EU citizens to PA positions and the use of European employment service network-EURES membership
7. Managerial accountability and delegation of decision-making authority to middle management
8. Fight against corruption and nepotism
9. Human resources management, professional development and establishing central training database
10. Public involvement and transparency

The Table 1 lists the shortcomings, improvements and challenges identified in each of the 10 points in the annual progress reports of the EC in the 2005–2021 period.

Table 1: Evaluation of PA reforms in the yearly annual progress-reports of the EC

Year	Questions																														
	1			2			3			4			5			6			7			8			9			10			
	Shortcoming	Improvement	Challenges	Shortcoming	Improvement	Challenges	Shortcoming	Improvement	Challenges	Shortcoming	Improvement	Challenges	Shortcoming	Improvement	Challenges	Shortcoming	Improvement	Challenges	Shortcoming	Improvement	Challenges	Shortcoming	Improvement	Challenges	Shortcoming	Improvement	Challenges	Shortcoming	Improvement	Challenges	
2005													*			*															
2006	*	*	*		*	*							*												*	*			*		
2007	*	*	*	*				*	*	*				*												*			*	*	
2008	*	*		*				*	*				*							*								*	*	*	
2009		*																								*			*		
2010	*	*	*		*		*																	*			*	*	*		
2011	*	*	*	*		*		*		*	*	*	*						*			*			*		*	*	*		
2012	*	*			*		*		*		*	*	*														*	*	*		
2013	*	*	*	*	*	*		*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
2014	*	*	*	*		*		*		*	*	*	*						*					*		*	*	*	*	*	
2015	*	*	*	*		*		*	*	*	*	*	*													*	*	*	*	*	
2016	*		*		*	*	*	*	*						*									*		*	*	*	*	*	
2017	*				*		*		*																*	*	*	*	*		
2018	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
2019	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
2020	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
2021	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

Source: Authors, based on EC Report, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021.

Regarding *point 1*, even after the all of the above mentioned strategic documents had been prepared and accepted, the European Commission had a series of remarks in its reports, such as MISA’s capacity to lead and coordinate PA reform needs to be improved; efforts are needed to increase the PA’s accountability and stop its politicization, and contribute to increasing budget transparency” (EC Report 2021, p.14)

Regarding *point 2*, the European Commission finds that “stronger political commitment and budgetary funding are required to cover the costs of the reform implementation” (EC Report, 2018, p.18)

Regarding *point 3*, it is established that “temporary employment contracts are outside the legal criteria; the criteria for appointment to senior management positions are not clear and should be done through open competition” (EC Report, 2019, p.13); “there is no centralized database of trainings” (EC Report, 2022, p.15). In the coming period, the country should ensure full compliance with merit-based recruitment for senior civil service and other positions. The public opinion expressed through a survey shows that 42.6% of the respondents consider the practice of party employment in the PA to be unfair, while 31.5% state that civil servants are employed on a meritorious and professional basis (Maleska, 2017).

Regarding *point 4*, the European Commission finds that “smaller ethnic minorities remain underrepresented in the public sector; there is an unfair representation of minorities in the PA and high representation of communities in the institutions they are running; equitable representation in the PA is not balanced; there is a long-standing situation where a large number of administrators are paid without showing up for work”. The Ombudsman found a 1.6% decrease in the number of citizens’ complaints about fair representation from 2017 to 2021 (Ombudsman of the Republic of North Macedonia, 2022, p. 149).

Regarding *point 5*, some statistical data are given below. During 2017, the State Administrative Inspectorate carried out 2,933 supervisions, of which 2,037 were related to the implementation of the Law on General Administrative Procedures. The State Administrative Inspectorate has issued 1,009 decisions in which one or more irregularities were found. Out of the total number, 1,186 supervisions were carried out in response to complaints from citizens or companies; and 742 of these complaints were grounded, which is an indication that citizens and companies are facing numerous problems in receiving public services.⁸ In the 2017 Annual Report, the State Administrative Commission of Appeal and Labor Review had approved 1,252 cases, of which the Administrative Court gave judgment in 296 cases.⁹ The fact that a quarter of the complaints are substantiated indicates that the decisions are of low quality or issued after the expiration of the legal deadline (Vilfan, 2018, p. 146). Even in the following years, the findings of the European Commission confirm that “appeals procedure for administrative justice is complex and lengthy; there are delays in implementing the decisions of the Administrative Court; there is no data on compensation of damages by public authorities when

⁸ Retrieved from <https://duinspektorat.mioa.gov.mk/node/17>

⁹ Retrieved from <https://dksk.mk/mk>

they are responsible in cases of violations” (EC report 2018, p. 17; EC report 2019, p. 14). In 2019, the courts awarded compensation in nine cases (EC report, 2020, p. 16).

Regarding *point 6*, it is found that “EU citizens do not have access to PA positions; there was no attempt to incorporate the EU *acquis* into national legislation” (EC report, 2019, p. 58).

Regarding *point 7*, the European Commission finds that “managerial accountability within institutions is not implemented; there is insufficient delegation of responsibility within different levels of management” (EC report, 2019, p. 99).

Regarding *point 8*, it is stated that “the findings and recommendations of the State Commission for the Prevention of Corruption and Conflict of Interest (SCPCI) should be followed by the relevant institutions, but they are not included in the relevant legislation” (EC report 2021, p. 3); “partisanship and clientelism are encountered in the functioning of the PA, due to political influence” (EC report 2021, p.35). A survey conducted in the summer of 2021 showed that 63% of respondents are dissatisfied with the fight against corruption, and 58% do not see government efforts as effective (NDI North Macedonia, 2021). According to the World Bank (2021), North Macedonia scores particularly badly on the “control of corruption”. Its percentile ranking on the World Governance Indicators Control of Corruption indicator is 38, where the ranking ranges from 0 to 100 (U4 anti-corruption helpdesk, 2022, p. 5–6).

Regarding *point 9*, the European Commission finds that “professional development remains unsystematic and there is no centralized database for training ... Legislation does not provide percentage rates for staff rated excellent or penalized for poor rating” (EC report 2018, p.16). The issue of overstaffing in PA is very controversial. In the 2018 register, it is stated that RNM has a total of 132,000 employees in the public sector, of which only 34,900 are employed in administration and state government bodies, and about 11,000 people employed in state joint stock companies and as? temporary employees (Blazhevski & Rizaov, 2020).

Regarding *point 10*, even though the Transparency Strategy 2019–2021 was approved, “the human resource information system is not functioning properly, due to the lack of commitment to complete the required data; the interoperability system is not used because there is no communication software in many institutions” (EC, 2021, p. 79). In its last annual report (2021), the Ombudsman published data related to violations of human rights by public institutions. Out of a total of 2,686 complaints filed in 2021, 42.29% refer to violation of rights by public services and institu-

tions; 26.02% refer to violation of rights by the central government; 9.98% related to violation of rights by the judiciary; 8.94% related to violation of rights by the local government; 5.40% related to violation of rights by legal entities; 2.42% of the citizens complained of violation of their rights by both the central and local government; 4.95% complained of violation of their rights by other subjects (Ombudsman of the Republic of North Macedonia, 2022, p. 148).

3. Conclusions

In its first assessment, the EC found many shortcomings in the functioning of the PA, taking into account that the country had only 14 years of independence, and had inherited a PA with the vices of the socialist system. In the following years, activities were undertaken towards the improvement of the PA, from legal changes which include the status of civil servants and their behavior in accordance with the principles of a modern PA, to the organization and establishment of relevant institutions that will implement the reforms. Changes in this regard have been difficult because they have affected the status of officials at all levels of the PA. The main defect of the rest of undertaken reforms is the lack of political will, which has caused the reforms to lack proper implementation.

Recent reforms seem to promise improvements: the establishment of an administrative system with better organizational structures and with improved quality of services for citizens. Normative changes have already been adopted to create better organizational structures, which are the basis for improving the quality of services. However, even though a considerable number of laws in recent years have been adopted under the motto of reforms, all of them lack a clear and strategic concept in terms of creating a PA in accordance with the needs of a democratic country.

Administrative justice is still a distant notion for the citizens of the country, and the administrative procedures are slow. There are defects in the treatment of citizens' requests, there is a lack of adequate qualification and professional behavior of officials and corruption and negative phenomena increase skepticism about possible improvements. PA is not immune from political influences, which disables citizens from receiving adequate and efficient services.

The repetition of the same shortcomings and weaknesses in the public administration over the years brings to the conclusion that the reforms have been misused and unsuccessful. As a result, the institutions in charge of

implementing reforms have been “captured” and misused for the needs of the ruling political parties. The changes made by the law have served as a good basis for action, but they have not produced effects because their provisions have not been put into practice, or have been implemented selectively. Politicization and nepotism during recruitment as a deviant phenomenon has been and continues to be associated with public administration, and it remains a challenge for which new legal and organizational solutions must be found in order to assure that the public administration is equally open to all citizens. The support of the opposition should be sought in the process of reforming public administration, which is possible only if there is a conviction that the reforms are serving the state and not the political conjunctures in power. The main recommendations refer to the systematic change of laws and the adoption of new laws. There is no argument as to how these changes will contribute to the elimination of fundamental problems such as: politicization and clientelism, poor quality of the policy-making process, legal uncertainty, etc. The bright spot are the findings on the right of access to information, as well as the management of public finances, including transparency. The horizontal problems that characterize public administration (low quality of strategic planning, policymaking and coordination processes, impact of regulation, preparation of legislation, incomplete consultative process, as well as low capacity for implementation of reforms) have a serious impact on the process of acquiring EU membership.

Overall, the RNM has a lot to do to improve the PA’s image on the country’s journey towards the EU and the challenges related to PA reform must be taken seriously by the political establishment, without sparing anyone in the system.

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EVALUATION OF PUBLIC ADMINISTRATION REFORMS IN NORTH MACEDONIA FROM THE PERSPECTIVE OF EUROPEAN COMMISSION'S ANNUAL PROGRESS REPORTS

Summary

Public administration of the Republic of North Macedonia is constantly under evaluation in the Annual Progress Reports prepared by the European Commission. The main recommendations from the European Commission refer to the systematic change of laws, but there is no argument as to how these changes will contribute to the elimination of fundamental problems. Although a considerable number of laws have been amended and accepted under the motto of reforms, all of them lack the result, which is the creation of a public administration that is able to satisfy the needs of a democratic country. This paper analyzes all the European Commission's Annual Progress Reports of the 2005-2021 period and their recommendations. The finding is that there are repetitions of the same shortcomings in almost all Annual Progress Reports. This leads to the conclu-

sion that the reforms are unsuccessful – they are misused either for political needs, or are applied selectively. The support of the political opposition should be sought to assure that there is any real progress. This is possible only if all the politicians gain the conviction that the reforms are in the service of the citizens and not of the political conjunctures in power. There is still a lot of work to be done to improve the country's image on the road to the EU, while the challenges related to the public administration reform must be seriously addressed by all decision-making structures.

Keywords: public administration reforms, European Commission Annual Progress Reports, Republic of North Macedonia

EVALUACIJA REFORMI JAVNE UPRAVE U SJEVERNOJ MAKEDONIJI IZ PERSPEKTIVE GODIŠNJIH IZVJEŠĆA O NAPRETKU EUROPSKE KOMISIJE

Sažetak

Javna uprava Sjeverne Makedonije pod stalnim je nadzorom i vrednovanjem Europske komisije, primarno putem njezinih izvješća o napretku. Glavne preporuke Europske komisije odnose se na sustavnu promjenu zakonodavstva, ali bez jasnog argumenta na koji će način takve promjene doprinijeti rješavanju temeljnih problema javne uprave. Iako je već popriličan broj zakona donesen i/ili promijenjen pod motom reformi, svima njima nedostaje konkretan učinak na stvaranje javne uprave koja će moći zadovoljiti potrebe jedne suvremene demokratske države. U radu se analiziraju sva izvješća o napretku Europske komisije od 2005. do 2021., kao i u njima sadržane preporuke. Osnovni zaključak koji se nameće jest da sva izvješća repetitivno ukazuju na jedne te iste nedostatke, što dovodi do zaključka da su reforme neuspješne. One se uglavnom provode selektivno ili služe za postizanje određenih političkih ciljeva. Da bi se osigurao barem nekakav stvarni napredak, za reforme bi trebalo osigurati i podršku političke oporbe u zemlji. Ovo je moguće jedino ako svi političari usvoje uvjerenje da se reforme provode u korist građana, a ne da ih percipiraju kao sredstvo političkih borbi za moć. Još mnogo posla treba odraditi kako bi Sjeverna Makedonija poboljšala sliku o sebi na putu za Europsku uniju, a izazove koji se tiču javne uprave na ozbiljan način trebaju adresirati sve ključne institucije u kojima se donose odluke.

Ključne riječi: reforme javne uprave, godišnja izvješća o napretku Europske komisije, Republika Sjeverna Makedonija

Annex: Main findings on PA reform over the last four years (2018–2021)

Focus Point	Year			
	2018	2019	2020	2021
1	<p>In order to strengthen the principle of merit-based recruitment and depoliticize PAs, several reform documents were adopted:</p> <p>“Strategy and Action Plan for PA reform for 2018–2022” (hereinafter Strategy);</p> <p>“Public Financial Management Reform Program 2018–2021” (hereinafter Program);</p> <p>Amendments to the Law on Administrative Servants (p.6).</p>	<p>MISA appointed a PA reform coordination team and improved its capacity to promote reform at the technical level.</p> <p>MISA established a team to support public authorities in implementing the Law on General Administrative Procedures (LGAP).</p> <p>The government began monitoring and reporting on the implementation of the Strategy and Program, but did not establish an integrated reporting framework.</p>	<p>The High Level Council for PA Reform (HLCPAR) and the Public Financial Management Council (PFMC) continued to support surveillance of the reforms.</p> <p>The capacity of MISA to promote reform at the technical level has been improved.</p> <p>Increased involvement of the Ministry of Finance (hereinafter MoF) in overall coordination of reforms (p. 14).</p>	<p>Reports on monitoring the implementation of the “Strategy” and “Program” were presented, while HLCPAR and KMFK provided political support for overseeing the reforms.</p> <p>The MoF has improved transparency in the management of public finances on a quarterly basis. The “Open Finance” portal provided information on municipalities-performed transactions. The “SMART” public finance system was promoted, which established performance budgeting and a multi-year budget framework. Publication of data on revenues and expenditures of public companies has begun.</p>

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	<p>MISA's capacity to lead and coordinate PA reform needs to be improved.</p>	<p>Further efforts are needed to increase the PA's accountability and stop its politicization. The MoF should be involved in coordinating reforms, especially in the area of managerial accountability.</p>	/	<p>To accelerate the process at the technical level, a sector with the right staff needs to be created within MISA.</p> <p>The MoF still needs to make efforts to increase public involvement at every stage of budget preparation, implementation and reporting. Adoption and efficient implementation of the new Organic Budget Law, as well as the envisaged development of the Integrated Financial Management Information System (IFMIS) will contribute to increasing budget transparency (p. 14).</p>
Challenges	<p>Should start implementing the Strategy and Program and provide a coordinated monitoring and reporting system in cooperation with external actors.</p>	<p>In the coming period, the country in particular should ensure full implementation of LGAP (p. 11–12); strengthen the capacity of MISA to ensure the systematic implementation of legislation; ensure better functionality of the Human Resource Management Information System and its systematic use by line institutions.</p>	<p>In the coming period, the country in particular should ensure full implementation of LGAP (p. 13).</p>	<p>The Law on the organization of state administration bodies should be approved and implemented in accordance with the recommendations; also, further efforts are needed to coordinate the institutions for modernization and digitalization of the PA, including the establishment of an Agency for Digitization and Registers.</p>

2	<p>Stronger political commitment and budgetary funding are required to cover the costs of the reform, as its implementation depends on external donors (p. 18)</p> <p>There is no clarity on temporary employment and the government has no statistical data on administrative staff on temporary contracts.</p> <p>The criteria for appointment to senior management positions are not clear and should be done through open competition.</p> <p>The reasons for dismissal should be made more transparent and better verified.</p>	<p>The implementation of the Strategy depends heavily on the financing of external donors, while the reform requires financial stability and inclusion in the annual state budget.</p> <p>The accountability of the PA should be increased by ensuring observance of the principles of transparency, merit and fair representation.</p> <p>Although the laws in principle provide a merit-based recruitment, promotion and dismissal, they are not fully implemented.</p> <p>Temporary employments are outside the legal criteria, while the reasons for dismissal must be made transparent (p. 13).</p>	<p>/</p> <p>Temporary employment contracts are outside the legal criteria. The number of informal administrators, who were recruited years ago and continue to receive salaries without showing up for work, has decreased with the systematization of some administrators in institutions during 2019.</p> <p>Professional development is not yet systematic. There is no centralized database of trainings (p. 15).</p>	<p>The state budget includes a separate program for PA reform, but the full implementation of both strategies depends largely on donor funding.</p> <p>Procedures for temporary employment contracts bypass the criteria set out in the Law on Administrative Servants.</p>
3	<p>It should be ensured that employment in public service positions is based on merit, while avoiding temporary employment.</p> <p>There should be a stronger political commitment to guarantee the professionalism of the PA, especially in appointments to senior management.</p>	<p>In the coming period, the country in particular should ensure full compliance with merit-based recruitment for senior civil service and other positions.</p>	<p>In the coming period, the country in particular should establish a legislative framework that ensures full compliance with merit-based recruitment for senior civil service and other positions.</p>	<p>Human resource management should be improved throughout the administration and meritocracy should be ensured for recruitments, promotions and dismissals, including those at the senior management level.</p>

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4	<p>Equitable representation in the PA is not balanced.</p> <p>There is a long-standing situation where a large number of administrators are paid without showing up for work.</p>	/	<p>Smaller ethnic minorities remain underrepresented in the public sector. There is unfair representation of minorities in the PA and high representation of communities in the institutions they are running.</p>	<p>Equitable representation of minorities is unstable throughout the public sector and in all categories of civil servants.</p>
	<p>Challenges</p> <p>Should respect the merit and equitable representation in accordance with the purpose of the law (p. 7).</p>	/	/	<p>The principle of equitable representation of men, women and ethnic groups should be applied throughout the public sector (p. 15).</p>
	<p>Improvements</p>	<p>The Law on Administrative Disputes was adopted in May 2019.</p>	<p>Laws on administrative staff and public sector employees provide merit-based recruitment, as well as fair promotions and dismissals.</p>	<p>The legal framework for the right of citizens to administrative justice has been established.</p>
5	<p>Remarks</p> <p>The appeal procedure is still complex and lengthy.</p> <p>There are delays in implementing the decisions of the Administrative Court.</p> <p>There is no data on compensation of damages by public authorities when they are responsible in cases of violations (p. 17).</p>	<p>The citizen appeals procedure for administrative justice is complex and lengthy.</p> <p>There are delays in implementing the decisions of the Administrative Court.</p> <p>Legislation gives citizens the right to seek compensation for damage caused by public authorities in case of violations, but there is still no data (p. 14).</p>	<p>Simplification of administrative procedures has been difficult and LGAP has not yet been systematically implemented throughout the administration (p. 16).</p> <p>The procedure for citizens to complain about the right to administrative justice remained complicated and lengthy. There are delays in implementing the decisions of the Administrative Court. In 2019, the courts awarded compensation in 9 cases.</p>	<p>Most decisions are not based on merit, but on procedural considerations.</p> <p>Administrative procedures were not simplified. The LGAP is not yet systematically implemented throughout the PA, despite the EC recommendations.</p> <p>This creates legal uncertainty for recipients of administrative services.</p>

5	Challenges		Should ensure full implementation of LGAP (p. 13).	The revised law on administrative staff, the law on public service employees and the law on senior management should be adopted and implemented. Strengthen awareness to ensure legal certainty for citizens and businesses (p. 17)
6	Improvements	/	Amendments to the Law on Foreigners (May 2019) enabled foreign workers to obtain work permits by submitting an application to the authorities.	/
7	Remarks	EU citizens do not have access to PA positions. There was no attempt to incorporate the EU acquis into national legislation. European Employment Services Network (EURES) was not used (p. 55).	EU citizens do not have access to PA positions and no action was taken to prepare the country for EURES membership (p. 62). The RNM set a maximum annual quota for work permits for foreigners.	/
	Improvements	/	The State Commission for the Prevention of Corruption and Conflict of Interest (SCPCI) dealt with allegations of nepotism, friendship, political influence during employment in PA. Also, managerial accountability and delegation of responsibility to different levels was improved.	/

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7	<p>Managerial accountability within institutions is not implemented and there is little delegation of responsibility to middle management. Many Agencies are directly subordinate to Parliament. Some state institutions continue to report on their activities in parallel to the responsible ministry and the government.</p>	<p>There is insufficient delegation of responsibility within different levels of management. Managerial accountability is not efficiently integrated throughout the PA and it must be implemented in practice at central and local level (p. 99).</p>	<p>Implementation of SCPCI recommendations should be ensured (p. 6). Additional efforts are needed to extend accountability to all levels of the PA, especially the delegation of decision-making authority to middle management.</p>	<p>Managerial accountability in PA requires further empowerment. Recommendations have been given for a new organization of the PA with improved lines of accountability, through the adoption of relevant legislation.</p>
	/	<p>The horizontal operation needs to be finalized and reviewed to ensure clear lines of accountability between institutions.</p>	<p>The review of horizontal functioning should be finalized to ensure clear lines of accountability between institutions.</p>	/
8	/	/	<p>The SCPCI published the results of investigations into some of the cases involving nepotism by previous governments. In the period from February 2019-March 2020, investigations were opened for 82 cases, of which in 40 cases no conflict of interest was found; 2 cases were transferred to the Public Prosecutor's Office; in 16 cases, SCPSI recommended the competent institutions to act, and in 11 cases the procedure continued.</p>	<p>SCPCI addressed cases of alleged nepotism during the appointment of members to the Boards of Directors and made recommendations for the elimination of such cases.</p>

8	Remarks /	/	Due to some legal requirements and deadlines (e.g. lack of information by other bodies), not all cases can be resolved.	The findings and recommendations of the SCPICI should be followed by the relevant institutions (p. 3), but they are not included in the relevant legislation.
	Challenges /	/	/	Partisanship and clientelism are encountered in the functioning of the AP, due to political influence (p. 35).
	Improvements /	/	MISA strengthened its coordinating and monitoring role for human resource management in PA.	The legal framework for human resource management is being revised, while a special law was passed to systematize home-based administrators.
9	Remarks Legislation does not provide percentage rates for staff rated excellent or penalized for poor rating (p. 16)	/	/	Professional development remains unsystematic and there is no centralized database for training.
	Challenges Should provide extensive training for central and local government administration and increase public awareness to ensure the implementation of the LGAP (p. 14)	/	/	Laws on administration and public sector employees need to be reviewed and a new law on senior management drafted. Merit-based recruitment and promotion should be ensured and more objective criteria for dismissals set.

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	Improvements	/	Further steps have been taken to improve transparency, including publishing the number of administrators, increasing transparency in policy-making, and improving public consultation.	Progress has been made with the adoption of the Transparency Strategy 2019–2021, with the functioning of the open data portal for the government and the publication of data on government expenditures.	A long-term information and communication technology strategy has been prepared, but its formal adoption has been delayed. The national electronic services portal is being upgraded with more than 130 services.
10	Remarks	The human resource information system is not functioning properly, due to the lack of commitment to complete the required data.	/	/	The interoperability system is not used because there is no communication software in many institutions, and there is no will to take full advantage of its potential.
	Challenges	Should respect the principles of transparency.	Should make more efforts in implementing e-government frameworks and services (p. 68).	/	/

Source: Authors.