

Published by:
Center for Research and Policy Making
Cico Popovic 6-2/9 1000, Skopje
Tel/fax +389 3109932

www.crpm.org.mk | crpm@crpm.org.mk

Author:
*Dr. Marija Risteska*¹

Layout editor:
Riste Zmejkoski

Design:
Stefan Nikolovski | stefannikolovski@yahoo.com

We appreciate if you send us your comments or remarks to the following
e-mail: crpm@crpm.org.mk

1 Marija Risteska holds PhD in political science. She is the founder and works as Senior Analyst at the Centre for Research and Policy Making. Her research work is in the area of public administration reform, public management , good governance and policy transfer

Center for Research and Policy Making is an independent, non-profit policy research institute founded in March 2004. CRPM consists of local researchers as well as external consultants in close contact with the organization. It offers timely, provocative policy analysis on the most pertinent issues. CRPM has no 'hidden agenda' but works to promote democratization and economic transformation of the country. It has no party, political or any other organizational affiliation. CRPM develops a new style of policy analysis and serves as a forum for young Macedonians to acquire and apply knowledge and skills for evidence based research and policy analysis. The standpoint from which it approaches certain issues is principled. The organization considers peace and stability as the first principles that should reign in the Balkan countries, and believes that the major political goal of Macedonia is the integration with the European Union.

Center for Research and Policy Making has been formed by a multi-disciplinary team bringing together people with different backgrounds and professional and research interests, and includes considerable experience of the way the Macedonian policy process works. The CRPM members are specialized in project management and policy research and analysis, training and capacity building, and policy advice. They are able to coordinate the planning of activities and inputs in a flexible and effective manner, provide relevant and timely analyses anchored in political and economic realities, paying particular attention to timely mobilization of resources and monitoring of project progress.

CRPM key-departments specialize in research and analysis, program evaluation, training and capacity building, surveying and market research. The team has wide experience and evidence to offer policy advice in the following sectors: EU integration; municipal development; public finances; reform of the education, health and social protection policy areas; youth and cultural policy development; reform of the public administration and creation of public value.

Policy Brief No.19

Ten years after the Ohrid Framework Agreement

Time for meritocracy!

The Ohrid Framework Agreement (hereinafter, OFA) responds to the power sharing claims from the ethnic Albanians. Its implementation shows that it also provides for an improvement in their representation in the Macedonian civil service. Data from the Central Registry of Civil Servants depict a **commendable increase of the number of ethnic Albanian participation in the civil service from 5.61% in 2004¹ to 24.18% in 2010²**. This is not the case with the other minority groups, i.e. the Turks and the Roma who represent 3.85% and 2,66 %³ of the population in Macedonia. In 2010 participate they with only 1.49% or 0.64% in the civil service respectively.⁴

Taking the above results of the implementation of the OFA in mind, it seems that the Government is currently running the risk to be perceived as ensuring representation in public administration of only one community group- the ethnic Albanians, rather than as building a multicultural civil service, where all communities are represented in a just and equal manner.

1 25.12.2007 – source: Agency for Civil Servants

2 Ministry for information society and administration <http://www.mio.gov.mk/files/pdf/dokumenti/GodisenIzvestajRegistar2010.pdf>

3 State statistical office: http://www.stat.gov.mk/pdf/kniga_13.pdf

4 Ministry for information society and administration <http://www.mio.gov.mk/files/pdf/dokumenti/GodisenIzvestajRegistar2010.pdf>

This might create further inter-ethnic tensions in Macedonia.

Moreover, **the means** to achieve this goal **were not just**, as the government did not apply the same criteria when recruiting the civil servants belonging to the minority groups. **Nor the outputs are equitable**, as the representatives of the other minority groups (i.e. Turks, Roma, Bosnians) are not equally represented. Male representatives from the Albanian ethnic group as well as the other minority groups outnumber the female representatives of the same ethnic groups.

The selective implementation of the principle for just and equal representation of minorities in the Macedonian public administration **causes number of frustrations among the Albanian, Turkish, Roma and Macedonian community**. We must start dealing with these frustrations with a long term commitment of meaningful integration of the minority groups in the civil service rather than just taking care of the numbers. As literature on multiculturalism explains, participation in public affairs and representation in state institutions by minorities is central to their sense of identity. It is crucial to their self-perception as a part of the state and the wider community.

Since secondary education has become compulsory, the number of Albanian and Turkish high school graduates is significantly increasing (the most progress being observed among female students). Macedonia has also a number of Universities teaching in Albanian language. One of them offers a program in public administration (SEEU). The capacity that was missing ten years ago, at the time of the signing of the OFA, is now being produced and offered at the labour market. The number of the members of the Albanian community in the civil service is almost reflecting their numbers in general population. The positive discrimination measures are therefore not needed anymore. It is now time for integration of the minority groups and allowing them to develop their career in the civil service. It's time to move towards meritocracy!

Introduction

Community conflicts require structural changes to improve inter-community understanding and tackle issues of inequality, disadvantage and marginalization. Literature on multiculturalism explains that participation in public affairs and representation in state institutions by minorities is central to their sense of identity. It is crucial to their self-perception as a part of the state and the wider community.

Since the interethnic conflict in 2001, with the Ohrid Framework Agreement, Macedonia has adjusted its structure of government to allow a greater participation of minority groups in policy making, and to strengthen their representation in politics and public administration. This paper evaluates the application of the principle of just and equitable representation of minority groups in the Macedonian civil service.

The rights of the members of communities to equitable representation in employment in state administrative bodies and other public institutions at all levels are guaranteed in the Constitution and the following laws, which have been amended after the adoption of the

OFA: Law on Civil Servants⁵, the Law on Labor Relations⁶, and the Law on Public Enterprises⁷, the Law on Primary Education⁸, the Law on Secondary Education⁹, the Law on Pupils¹⁰ and Students' Standards¹¹, the Law on the Public Attorney¹², and the Law on Courts¹³.

- 5 Official Gazette of the Republic of Macedonia, Nos. 59/00, 112/00, 34/01, 103/01, 43/02, 98/02, 17/03, 40/03, 85/03, 17/04 and 69/04.
- 6 Official Gazette of the Republic of Macedonia, Nos. 38/96, 9/97, 6/02 and 40/03.
- 7 Official Gazette of the Republic of Macedonia, Nos. 80/93, 3/94, 14/95, 53/97, 59/97, 21/98, 25/00, 34/00, 50,01, 25/03 40/03 and 80/03 consolidated text.
- 8 Official Gazette of the Republic of Macedonia, No. 40/03
- 9 Official Gazette of the Republic of Macedonia, No. 63/04
- 10 Official Gazette of the Republic of Macedonia, No. 67/04.
- 11 Official Gazette of the Republic of Macedonia, No. 67/04.
- 12 Official Gazette of the Republic of Macedonia, No. 40/03.
- 13 Official Gazette of the Republic of Macedonia", No. 60/03.

The OFA implementation: from ‘positive discrimination’ to ‘spoil system’ of recruitment

The Ohrid Framework Agreement codifies the postulates and the definition of this policy. Article 4, Paragraph 4.2 from the Agreement refers to the introduction of measures in the relevant laws that regulate the employment in the public administration in order to provide:

“equitable representation of the communities/ minorities in all central and local public institutions as well as at all levels of employment in these institutions, in the same time complying to the rules of competency and integrity”.

To facilitate the implementation of this principle, the Parliament has adopted a number of legislative changes. Primarily, it has changed the Constitution of Republic of Macedonia¹⁴ and of the Law on civil servants¹⁵. Subsequently, it amended all other laws that regulate employment in the public sector (the Law on Public Enterprises, the laws on primary and secondary education, the Law on Courts and the Law on the Ombudsman).

14 Integrated in Article 8 which reads: “Equitable and just representation of the citizens that belong to all communities in the institutions of government and other public institutions at all levels”.

15 That sets an obligation for the central and local government institutions to develop annual plans about the implementation of the policy of equitable and just representation of the communities, including: the current situation in the respective institution, the plans for employment, the professional training and evaluation on the fiscal implications

In the implementation of the OFA principle for just and equitable representation, we can distinguish two periods:

a. period of positive discrimination and some merit in the recruitment (2004-2006)

This period commences in 2004 after the adoption of the Law on Changes and Amendments of the Law on Civil Servants (Official Gazette of the Republic of Macedonia No., 40/04). It stipulates that the employment of the members of the minority groups will be administered through a competitive process, which includes trainings. The law requires that the member of the lesser represented ethnic or “community group” in the civil service to successfully pass the training in order to become a civil servant. However, the law does not require passing an expert or apprentice exam, which is otherwise required when recruiting civil servants.

This period promotes positive discrimination of the members of minority groups in the Macedonian civil service. The application of the positive discrimination principle does not follow the general understanding where the member of the positively discriminated group is preferred for employment when it has competitive results in the recruitment process with other members of not positively discriminated group/s. In Macedonia, the members of the positively discriminated groups (i.e. Albanians, Turks, Roma, Vlachs and Bosnians) were not put in competition with the not- positively discriminated group (i.e. the Macedonians), but with each other.

The merit set to decide which members of the positively discriminated groups will be recruited was: the number of points for passing the training exam. Though it suggests competitiveness and merit in the recruitment of the members of the lesser-represented community groups in the Macedonian civil service in the first period of implementation of the principle for just and equal representation, the government introduced certain spoil elements in the civil servant system. Namely, the recruitment did not require passing of the experts or apprentice exam both compulsory for entrance in the civil service system; trainings were not organized and delivered by the Agency for Civil Servants (hereinafter CSA), but by two subsequent projects financed by the EU (TRAIN1 and TRAIN2) in close coordination with the CSA, which remains to be the main

recruitment body in the civil service system.

In this first period, notable progress in the implementation of the principle for just and equal representation was achieved in regard to the Albanian community with 6.62% change in the period 2004-2006; whereas for the Turks, Roma and the Vlach minority the increase were less significant (0.32%; 0.17%; 0.01% respectively).

b. period of spoil system and no merit in recruitment (2006-2011)

The second period is marked by the adoption of the “Strategy for Just and Equitable Representation” as well as the annual action plan for its implementation by the Secretariat for Implementation of the Ohrid Framework Agreement. The Strategy defines in general the directions and activities that should be undertaken, identifies the gaps and weaknesses so far and proposes appropriate measures for their resolution.

In this period, a number of spoil elements were introduced. First of all, the Civil Service Agency does no longer play the role of a recruiting body for the minority group representatives. The Secretariat for implementation of the Ohrid Framework Agreement (hereinafter SIOFA) takes up this responsibility. The prompt implementation of the principle provisioned in the Strategy is ensured through financial means as new budgetary sub-programme (K-5) was introduced to facilitate the recruitment of civil servants from minority groups. Secondly, the merit elements characteristic for the previous phase of implementation, the training of potential entrants and passing a training exam as compulsory prior to recruitment and entrance in the civil service, are dropped. The decision on employment is utterly given to SIOFA which “provides additional room for partisan influenced recruitment (given the existence of parties representing such minorities which have been part of the coalition government”¹⁶ and managed SIOFA). These allows conclusion that “even taking into consideration the political reasons that support the equal representation policy, it undermines the merit system and on the whole it does not protect citizens rights”¹⁷.

In this second period prompt progress was expected for fulfillment of the requirements under the OFA principle for just and equal representa-

¹⁶ SIGMA (2008) Public service and administrative framework assessment

¹⁷ Ibid

tion of minorities. Progress was indeed achieved as in this period- the change was doubled for the Albanian community 11.95% and again less significant for the other minority groups. The number of Albanians in the civil service rose from 12.23% in 2006 to 24.18% in 2010. This incredible increase, however, was overshadowed by the fact that a significant number of newly recruits were left without actual jobs in the public bodies. The media extensively reported that the new entrants in the civil service remained at home, but received salaries.

The OFA results – injustice, inequality and frustration

As mentioned in the previous chapter the results of the implementation of the OFA principle for just and equal representation of minority groups concerning the Albanian minority participation in civil service are remarkable. However, the implementation itself had some important long term impact on the civil service system that cannot be ignored. The departure from the merit system and the introduction of the spoil elements in recruitment inevitably has its repercussions: injustice and inequality, and the breeding of growing frustration.

a. Injustice

The recruitment did not follow the legally bounding procedure for employment in the civil service. The minority group members were not required to pass experts or apprentice exam both compulsory for entrance in the civil service system. This especially puts on unequal basis the entrants in the civil service system under the general rule with those entering the system under the principle for just and equal representation of minority groups.

b. Inequality

The data from the Central Registry of Civil Servants depict that the ethnic Albanian participation in the civil service increased from 5.61% in 2004¹⁸ to 24.18% in 2010¹⁹. This is not the case with the other minority groups, i.e.

18 25.12.2007 – source: Agency for Civil Servants

19 Ministry for information society and administration <http://www.mio.gov.mk/files/pdf/dokumenti/GodisenIzvestajRegistar2010.pdf>

the Turks and the Roma who represent 3.85% and 2,66 %²⁰ of the population in Macedonia, and in 2010 participate with only 1.49% or 0.64% in the civil service respectively²¹ (as in Table 1). Throughout the ten years implementation period small progress was achieved in the Roma community (less than 0.50%) and decline is observed in the participation of the Vlach and Serbian community (both for around 0.10%). The Turkish community doubled its numbers in the civil service in the ten years period but is far from being just and equally represented.

Table 1: Participation of ethnic groups in Macedonian civil service

<i>Ethnic group</i>	2004		2010	
<i>Macedonian</i>	9686	90,25%	8733	70,34%
<i>Albanian</i>	602	5,61%	3002	24.18%
<i>Turkish</i>	79	0,74%	185	1.49%
<i>Roma</i>	20	0,19%	79	0.64%
<i>Vlach</i>	89	0,83%	94	0.76%
<i>Serbian</i>	172	1,60%	178	1.43%
<i>Bosnian</i>	26	0,24%	77	0.62%
<i>Total</i>	10352		12415	

Source: Agency for Civil Servants and Ministry for information society and administration

The considerations for inequality that result from the implementation of the principle go beyond the absolute numbers of representation of minority groups. Based on data of the Central Registry for civil servants kept by the Civil Servants Agency and nowadays by the Ministry of Information society and administration it can be noticed that only the female and male civil servants in the Macedonian ethnic community are represented almost equally (where women are more numerous, but hold lower positions).

20 State statistical office: http://www.stat.gov.mk/pdf/kniga_13.pdf

21 Ministry for information society and administration <http://www.mio.gov.mk/files/pdf/dokumenti/GodisenIzvestajRegistar2010.pdf>

Table 2: Composition of central public administration by gender and ethnicity

	#	M	F
<i>MK</i>	7857	3561	4296
<i>AL</i>	2630	1801	829
<i>TR</i>	165	101	64
<i>RO</i>	54	25	29
<i>VL</i>	88	42	46
<i>SR</i>	166	77	89
<i>BO</i>	59	26	33
<i>Other</i>	111	51	60
Total	11130	5684	5446

Source: Annual Report of the Central Registry for Civil Servants, CSA 2009

This is not the case with the other ethnic communities. The table above shows that in the Albanian community the gender misbalance is the biggest where the male representatives of this ethnic group participate with twice more representatives than female representatives are. In terms of decision making power it seems that Albanian women hold least number of high public administration position, as no Albanian woman is Secretary General or State Secretary in the civil service system. In addition, only two representatives of this ethnic group are State Advisors, and eight are Heads of Sectors²². This puts them in a much more inequitable position compared to the men of the same ethnic group.

c. Frustrations

The principle for just and equal representation of minority groups was not fully trusted at the beginning of its application. The implementation process showed that the blue print can and will be put in practice. Ten years after one can see that especially in the last period 2007-2010 the implementation process produced various frustrations.

On the one hand, Albanians are frustrated as they got hired in the civil service but have no effective contribution in the workplace (still being paid) and cannot advance in their careers. The Turkish, Roma, Vlach, and Bosnian minority on the other side feel less important than the Albanians and

²² All gender disaggregated data are from the 2009 Annual Report of the Central Registry for Civil Servants

complain of being negatively discriminated in the process of implementation of the OFA. Finally, the frustration appears among the Macedonian majority, which objects to the double standards in recruitment applied for the minority groups and the negative discrimination towards members of their own ethnic community.

Considerations for the future - integration

The “Strategy for Just and Equitable Representation” does not offer mechanisms that will respond to the growing frustrations among the population from different ethnic groups. It also does not offer any measures for integration of the newly employed in the civil service system.

The current implementation modes have long-term effects on the civil service system: it makes it an unjust, unequal and not a merit based one. This might have greater implications on the citizens’ trust in government. Therefore, we must reconsider its pros and cons and draw lessons for the future.

Since secondary education has become compulsory, the number of Albanian and Turkish high school graduates is significantly increasing (the most progress being observed among female students). Macedonia has also a number of Universities teaching in Albanian language. One of them offers a program in public administration (SEEU)²³. The capacity that was missing in 2001 when the OFA was signed is now being produced and offered at the labour market. The number of the members of the Albanian community in the civil service is almost reflecting their numbers in general population. The positive discrimination measures that cause such great inequalities and injustice in the civil service system are therefore not needed anymore. It is now time for integration of the minority groups and allowing them to develop their career in the civil service. It is time to embrace meritocracy!

23 According to the last available information (SSO, Graduated Students in 2008), the number of graduates from the Public Administration department at SEEU was 132, more than half of whom were female

