

5 Recommendations

N.B Detailed recommendations are given in the operational sections of the report. This section makes general strategic recommendations and suggests priorities.

The Republic of Macedonia is the most encouraging country in the region from an administrative reform perspective, although it faces severe challenges especially from the economic situation and the minority issues. The latter is addressed through the Ohrid Agreement which is very costly and risks exacerbating ethnic tensions if not handled sensitively. The main recommendation is to pursue current reforms with some additions to the extent that these are in line with absorption capacity.

5.1 For the Government of the former Yugoslav Republic of Macedonia:

1. Develop the System of Self-Government: Although the necessary constitutional and legislative amendments have been adopted to implement the Ohrid agreement, further efforts are needed to develop an appropriate and effective system of self-government. The two main issues are: to ensure inter-ministerial co-ordination in the design of delegated responsibilities; and to ensure balance in the responsibilities, financing, implementation capacities and accountability and control arrangements. This will require more efforts to raise the numbers and quality of human resources at local level to ensure that local self-governments perform well the responsibilities that are legally assigned to them, both in delivery of public services and their role as representatives of local communities. Local capacities will probably have to be built in part by transferring staff from Ministries which is, in itself, a major political issue as well as a major HR policy issue, and should be framed within the ongoing efforts to downsize the central administration.

Operational recommendations

- Setup an inter-Ministerial team, probably led by the Ministry of

	<p>Local Self-Government, to ensure a co-ordinated approach to the delegation of sectoral policies (e.g. educational and health etc) at the central level and ensure involvement, through appropriate representation, of Local Self Governments.</p> <ul style="list-style-type: none"> • Pursue the development and amendment of laws and regulations in order to comply with the Ohrid Agreement, and in particular to establish a sound distribution of competences, resources and accountability mechanisms; • Design and set up a local level capacity building programme in co-operation with municipalities and the CSA. This will require an innovative approach to ensure rapid high volume training; give budgetary incentives encouraging local self-governments to engage in joint service delivery and investment programmes; • Adapt policy, budget, control and HR systems to the new division of responsibilities.
	<p><u>2. Reform the horizontal system Framework at central level:</u> Horizontal systems (policy making, expenditure management and control, and human resource management) should be addressed through a coordination mechanism, possibly designed on the model of the General Secretariat of the Government. This thrust needs to be complemented by the development of capacities in Ministries to participate in these central management systems (“staff functions”, for example budget or personnel units in each line Ministry). This will also require developing delegation mechanisms within ministries, and to clarify the distribution of responsibilities among ministries.</p> <p><i>Operational recommendations</i></p> <ul style="list-style-type: none"> • Establish and properly enforce delegation mechanisms within and among line ministries, and strengthen the capacities of “staff function units” within Ministries • Continue strengthening inter-ministerial coordination mechanisms and clarify the distribution of power between ministries. Set up mechanisms for solving conflicts of attributions among administrative bodies. • Establish mechanisms to ensure that financial and human resources are allocated according to pre-established priorities
	<p><u>3. Pursue the Modernisation of the General Legal Framework of Public Administration</u> There are still some weaknesses in the legal framework, especially on administrative procedures. Administrative decision-making processes need improvement by reviewing and amending the existing general legislation on administrative procedures while, at the same time, approximating it to administrative law principles prevalent in EU Member States.</p> <p><i>Operational recommendations</i></p> <ul style="list-style-type: none"> • Review and amend the administrative procedures law

	<ul style="list-style-type: none"> • Develop the legal instruments of hierarchical delegation • Pass and implement the Law on public employment • Adapt the general legal framework to the changes emanating from the decentralisation process
	<p><u>4. Administrative Justice:</u> To improve the transparency and accountability of the Macedonian administration, as well as to ensure the proper enforcement of reforms and legislations, it will be necessary to ensure effective and easily accessible judicial review of administrative actions and decisions. Since the Macedonian system of Justice is integrated (there is not a separate system of administrative courts), recommendations concerning administrative justice concern the entire Justice system.</p> <p><i>Operational recommendations</i></p> <ul style="list-style-type: none"> • Strengthen the professionalism of the judiciary including reforming the Judicial Council; • Review the legal and regulatory framework of Justice to harmonize it with judicial standards of the EU and Council of Europe; • Prepare specific legislation on court proceedings for judicial review of administrative actions
	<p><u>5. Upgrade the Quality of Personnel in Public Administration:</u> To support the recommendations listed above, and in order for the Macedonian public administration to function more effectively, it will be necessary to take measures to raise the quality of human resources, at central level and local levels. More transparent recruitment process, to improve the appraisal and advancement systems, to make salaries more competitive are needed to attract and retain qualified personnel. At the same time, it will be necessary to manage decentralisation and rationalisation of staff numbers, and ensure the equitable representation of persons belonging to all communities.</p> <p><i>Operational recommendations</i></p> <ul style="list-style-type: none"> • Complete the subsidiary regulations necessary to fully implement the Law on Civil Servants and pursue passage of the Public Service Law • Improve the recruitment and promotion practices to make them more merit-based, more transparent and less politicised while at the same time complying with the Ohrid agreement • Strengthen the systematic training of civil servants and public employees, especially at local level • Allocate more funds to raise salaries and harmonize salary levels in public employment to ease staff redeployment, necessary due to decentralisation of responsibilities • Reserve a minimum of 20% of new recruitment on all levels for minorities until the Ohrid quota is achieved. Promote pre-entry training if needed to meet the target.

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