

## Process of depoliticization of civil servants in the Republic of Macedonia

**Dr. Xhemazie Ibraimi**

*AAB-University, Ferizaj, Kosovo*

### Abstract

In administrative theory and practice, there is a dilemma whether public administrators should be chosen based on political criteria, based on professional values confirmed by the job performances or based by the combination of these two principles.

The Republic of Macedonia as a country aiming the Integration in the EU, and fulfilling the criteria's of Copenhagen, should aim at building up a qualitative civil administration comprised of public servants who perform their duties in order to realize the citizen's rights and interests, regardless their political orientation, politically amorphous, and serving as a good enforcer of law and order. In this sense, main objective of this paper is to analyze the process of Depoliticization of civil servants in Macedonia as one of the main criteria's toward EU.

**Keywords:** *Depoliticization, Administration, Public Servants.*

### Introduction

The process of depoliticization of administration and administrative staff-civil servants is an inevitable process separated from the legal system, but *de facto*, it seems like it will never be implemented in Macedonia. Administration Services in Macedonia are considered as some kind of property and the government as a mechanism to gain individual interests, not as a mechanism created especially to serve the people. The politicization of the administration, corruption, and avoidance of social services at the expense of society in favor of individual interests, has enabled the government to lose its legitimate goals and transformed into a machine supporting the minority at the expense of the majority. (*Zakon za organizacija i raboti na organite na drzhavnata uprava*, No. 28/2000). In a country where public administrative services are generated for public interests, not one individual can be more privileged than the other in governmental positions. These positions are not designed for specific individuals at the expense of the society. The administrative staff represents the state at a low-level in contact with the citizen. On the other hand the administration is at the peak of the executive power pyramid. Its task is to deal with the implementation, coordination, and improvement of a policy of the government.

### The process of depoliticization of public administration in the Republic of Macedonia

Article 45 of the Constitution of RM bans the political action and organization of administrative bodies. State administrative bodies carry out their duties independently, based on law and constitution and are responsible to the government. But, public servants do not have the right to be politicized by performing at any party activity outside the

administrative body where they are employed. The only negative phenomenon present among Balkan states, where RM is not an exception, is the emphasized obtrusion of the government in public servants with all formal and informal means they possess in order to come to power again.

Civil servants with their membership in any political party and party activities should not put into question their status nor official obligations arising from that status. Within the issue of depoliticization of public servants it should also be discussed the principle of incompatibility. The aim of this principle is to ensure the objectivity and independence of administrative bodies from political bodies that are under the control and supervision of the last, to prevent further misuse of power from public servants in order to gain political positions, and political officials not to use their position to put pressure on the administration in order to gain control over it. Leon Digi, a French lawyer has tried to find a system that would neutralize leaders' or administrators' desires in that way that their political power will only serve for achieving the social functions, for the interest of the whole society. Otherwise, their actions would be illegal, because their decisions would become invalidated. What Digi reflects in his work, represents a system of ethical politics. Digi proves that ethics or social rules themselves, arising from social facts, are not enough, as members of society do not have a superior strength towards the monopoly of state compulsion. But again his approach to the problem that exists between the state and society is not irrational but a trend of democratic society, because the authority must be applied as a social function in the service of citizens, not in the interest of enlargement and deepening of power over the society of those in office.

Human beings as usual are not indifferent although it is true that the administration suits to political changes either willingly or forcibly, with the aim to keep the job position. For example, the German administration smoothly survived the transition from the Weimar Republic to the Third Reich and began to successfully carry out the duties under its rule. On the other hand, it is much better for the quality of administration when the administration staff implements a policy motivated by internal beliefs rather than conformism in front of a foreign power. It is also unfair for administrative officials not to identify themselves with the political party in power. For this reason, in the USA: secretaries, undersecretaries, assistant secretaries and many office heads are exempted from the law on civil servants. Administrative officers in particular those in the highest hierarchical positions participate in the formulation of draft-proposals of different programs, which subsequently are adopted by representative bodies as part of their policy in a particular area, and in this way they can express their political preferences. Therefore the assumption of politically neutral depoliticized administrative officers is groundless given the abovementioned facts. But the question is what should be done in order for the institutions to be politically amorphous or depoliticized, that during a political party structure in power, to recruit the other side which is not part of the political structure in power, but as a staff which the society and institutions need, in other words, they should somehow remain alive at the time when politically are dead. The old model of radical separation of administration from politics corresponds much less to the conditions of many developed countries. The administrator is subject to the representative body of the people and is apolitical. He is committed to his professional skills and must represent the general interests and the

continuity of government and should continuously serve any political structure in power. This model is not entirely overcome. But in today's circumstances, its commitment is tolerated more in social and political life.

In France, at the beginning of the Fifth Republic, senior administrative officers gained ministerial positions. During the term of President Pompidou high officials in certain stages own the road to power, by engaging in the ministerial cabinet, after a certain period they engage in political life and finally become ministers under the parliamentary mandate, (the French Parliament allows MPs to hold ministerial positions at the same time).

Jacques Chevalier (Grizo, Davitkovski & Pavllovska-Daneva, 2008, 182) in his book "Leftists and high administrative officers" among other things cites:

*"Two opposed models by senior administrators are continually at odds with each other: on the one hand the classical civil servants "administrators" reserved in relation to political engagement and closely linked to the public service who run the administrative machine, form the servile personnel and have very little chance to attain the most important positions (their careers are limited to the position of Deputy Director, and on the other hand, the political officials, who willingly engage themselves politically, are least related to classical ethics of public service, easily separate from its primary administrative body, enhance their experiences outside the apparatus and tend to receive high administrative positions."*

As a source of detachment within the administrative hierarchy, the politicization attempts to become one of the powers of high profile officials, and to the same extent as the professional mobilization or innovative ability as an integrative factor within the administrative elite. I.e. placing the protective barrier between the senior administration and politics for the sake of a nostalgic vision of apolitical administration is not possible. Unlike France, who guarantees administrative officers a golden bridge to politics, for the American civil servants, this represents cooperation between the public administrators and politicians. America condemns the career bureaucrats who behave as if they were politicians. Administration officials as part of the executive power, never serve in legislative bodies. It is very rare for a higher bureaucrat to be elected or appointed in local administration as is the case of France and Germany. It is the same for Great Britain, federal administration officials are prohibited from political activity only if action is not about a non-partisan local structures. They almost never gain high political positions. According to Renata Mainz in Germany (Grizo, Davitkovski & Pavllovska-Daneva, 2008, 184) the politicization rate at the highest administrative levels is an arguable issue. Some authors think that the German ministries bureaucracy is politicized and the restrictions between the party organization and administration are more undefined, while careers continue with one field and finish with another one. She concludes that the politicization of the federal bureaucracy is qualitative and quantitatively limited. Transitions from high levels of bureaucracy in federal policy are relatively rare, whereas careers in the opposite direction, from administration to politics are excluded. In Germany also, the federal ministers are politicians, not bureaucrats. Careers of senior administrative officials are built in the administration and normally do not lead to high political positions. If

a chief administrative officer wants to become a minister it would be better to resign from administrative service and become a professional politician. Based on the aforesaid, the political and administrative sectors in Federal Germany are different. Some qualified party members join from outside, while administrative employees who have not reached the peak of career have gone into politics. We can conclude that although the German administration plays an important role in the development of politics and organization, it can't be said that they escape the political control. Senior administrative officers are concerned about the success of their programs and proposals but also are responsible for their political behaviour and they escape conflicts and confrontations with those who hold political power.

In the legal system of Republic of Macedonia, the rate of politicization of institutions has exceeded every frame of a democratic system and is very difficult to talk about depoliticization. Citizens are divided into two groups: the first that are part of the political structure, power and privilege holders, and the latter who are not included in the state legal system for political and partisan reasons. The legal system of Macedonia does not anticipate restrictions between career and political organizations; careers begin with a certain field and finish with a senior bureaucratic or ministerial position. The administration in general is subordinate and serves the political party in power.

The politicization of institutions is not limited in qualitative or quantitative terms, either. Recruitment in top ministerial positions, in state administration even in local level is done without any criteria and restrictions. The jumps from low positions to ministerial positions are a phenomenon that concern the society and is an issue to be discussed and solved.

In order to give my contribution as the author of this paper and overcome the problems that affect our society and system, I hope that this paper will fall in the hands of those who have the institutions and power in their hands in Macedonia, to express willingness to change the situation, and to enable all the staff to be part of the institutions, but not positions and functions.

## **Conclusion**

What should be done about this occurrence?

- The administration should be treated as an institution in service of citizens and not owned by political and party structures,
- The recruitment of staff should be based on professional skills and not political affiliation, to ensure hierarchical promotion from one position to another, rather than integration based on partisan affiliation, from the lowest level to the highest ministerial pedestal and to hinder the persons after expiration of ministerial term to return administration with another political structure, but to exist a limitation between the political career and the service in the administration.

## References

- Davitkovski, B., Daneva-Pavlova, A., & Grizo, N. (2008). Javna Administracija-Skopje.
- Gelevski, S., Grizo, N., & Davitkovski, B., (1997). Upravno Pravo-Skopje.
- Grizo, N., & Davitkovski, B., (2001). Problemi Na Upravuvanjeto-Skopje.
- Grizo, N., Gelevski, S., Davitkovski, B., & Daneva-Pavlova A., (2008). Administrativno Pravo-Skopje.
- Zakon Za Organizacija I Raboti Na Organite Na Drzhavnata Uprava (Sluzhben Vesnik Na Rm, Nr. 28/2000).