

# REPORT

FROM THE MONITORING  
OF EQUITABLE AND FAIR  
REPRESENTATION IN  
THE PUBLIC SECTOR





## REPORT FROM THE MONITORING OF EQUITABLE AND FAIR REPRESENTATION IN THE PUBLIC SECTOR

### **Publisher:**

Center for Change Management (CCM)

### **About the publisher:**

Executive Director of CCM Neda Maleska Sachmaroska

### **Authors:**

Natalija Shikova, Jugoslav Gjordjievski and Marina Andeva

### **Research Team:**

Natalija Shikova, Jugoslav Gjordjievski and Marina Andeva, Neda Maleska Sachmaroska, Branka Mincheva Kocevska

### **Reviewer:**

Mirjana Maleska

### **Editor:**

Branka Mincheva Kocevska

### **Design:**

Marko Danailovski and Dimitar Vrglevski

### **Place and year of issue:**

Skopje, 2023

323.1:35(497.7)(047)

SHIKOVA, Natalija

Report From The Monitoring of Equitable and Fair Representation in The Public Sector [Electronic source] / [authors Natalija Shikova, Jugoslav Gjordjievski and Marina Andeva]. - Skopje : Center for Change Management, 2023

Method of Accessing (URL):

<https://cup.org.mk/publication/report-from-the-monitoring-of-equitable-and-fair-representation-in-the-public-sector>. - Text in PDF format, contains 31 pgs., illustr. - Title taken from the screen. - Description of the resource day 01.09.2023. - Footnotes towards text. -Bibliography: pg. 26-29. - Content и: Appendix 1

ISBN 978-608-4818-92-2

1. Gjordjievski, Jugoslav [author] 2. Andeva, Marina [author]

a) Public Sector -- Ethnic Representation -- Macedonia -- Report

COBISS.MK-ID 61421317

# CONTENT

INTRODUCTION .....	5
1. EQUITABLE AND FAIR REPRESENTATION.....	7
1.1. THEORETICAL SETTINGS.....	7
1.2. LEGAL AND INSTITUTIONAL FRAMEWORK .....	8
2. CONDITIONS .....	11
3. CHALLENGES NOTED (FOCUS GROUP REPORT).....	14
4. PUBLIC OPINION RESEARCH.....	17
5. COMPARATIVE EXPERIENCES .....	18
5.1. South Tyrol - Province of Bolzano.....	18
5.2. Regulation of quotas.....	19
5.3. Comparisons with North Macedonia.....	20
6. POLICY OPTIONS FOR IMPROVING THE APPLICATION OF EQUITABLE AND FAIR REPRESENTATION.....	21
7. RECOMMENDATIONS (BASED ON CURRENT CONDITION) .....	23
Bibliography.....	25
APPENDIX 1.....	29

# INTRODUCTION

The Republic of North Macedonia (RNM) is a multicultural and multi-ethnic society. The division of power into legislative, executive and judicial is a fundamental value of the constitutional order of the RNM (Constitution, 1991), and the essence of power-sharing derives from the "Ohrid Framework Agreement" (OFA), signed in 2001, in order to address inequalities and ensure greater participation rights for non-majority communities. OFA establishes a framework that takes into account fair representation and respect for the principle of non-discrimination, especially in the composition of the public administration, in the police services and in other spheres of public life and in public funding (OFA, 2001: 4.1 & 4.2). OFA emphasizes that the laws regulating employment in public administration should include measures to ensure fair representation of communities in all central and local public bodies, as well as at all levels of employment within those bodies, while respecting merit based procedures, competence and integrity, which are the basis of public administration. In addition, the OFA indicates that the necessary actions should be taken to correct the imbalances in the composition of the public administration, especially through the employment of persons from underrepresented communities (OFA, 2001). The provisions of the OFA have been incorporated into a series of constitutional amendments. which are the basis of public administration. In addition, the OFA indicates that the necessary actions should be taken to correct the imbalances in the composition of public administration, especially through the employment of persons from underrepresented communities (OFA, 2001). The provisions of the OFA have been incorporated into a series of constitutional amendments. which are the basis of public administration. In addition, the OFA indicates that the necessary actions should be taken to correct the imbalances in the composition of the public administration, especially through the employment of persons from underrepresented communities (OFA, 2001). The provisions of the OFA have been incorporated into a series of constitutional amendments.

RNM is a candidate for membership in the European Union (EU) and the screening process has already begun as of June 2022. Within that framework, every year the European Commission (EC) generates reports that indicate the country's progress towards joining the EU, but also the shortcomings that need to be overcome to reach the standards. According to the new Methodology for Accession Negotiations (Strengthening the Accession Process, 2020), within the framework of the Fundamentals cluster, open during the entire negotiation process, the functioning of institutions and public administration are covered. Following the recommendations of the EU, it is crucial that the public administration in RNM improve its efficiency and ensure the quality of public services. It is clear that the process of accession to the EU requires the fulfillment of certain standards that are subject to increased monitoring by the EU, and among them are the need for transparency, professionalism and the independence/integrity of the administration. According to those standards, the principles of employment and promotion of employees in the public sector should be clearly based on merit. However, several years ago, the reports of the EU, domestic and foreign experts and practitioners indicate an evident lack of clear and transparent criteria for employment, as well as a weak institutional capacity of the state. It worsens the image of the public administration as a neutral service provider and reduces the legitimacy of the decisions and performance of the public sector. Public administration as a whole is often criticized for its inefficiency and ineffectiveness, but also for the professionalism and integrity of administrative officials (European Commission, 2022; OECD/SIGMA 2021). Moreover, there is

also an inconsistency in the implementation of the principle of equitable and fair representation. Although the minority protection system supports equal opportunities for all communities, it is often considered a calculative tool, which relies on quotas, numbers and percentages, and does not take into account the reality in the country, i.e. - the actual and current situation.

The existing legal framework for the organization and functioning of the public administration in the country will soon be revised, which, like the previous legislation, will aim to improve the management of human resources, employment, promotion, and termination of employment based on merit. It is also necessary to ensure the application of the principle of equitable and fair representation in the public administration, especially in the direction of the undertaken reforms and the modernization of the public sector. The research analyzes the principle of equitable and fair representation through the analysis of the tools that ensure fair representation of non-majority communities, that is, the application of the instrument - balancer, which is used for employment in public administration. The purpose of this instrument is to balance the representation of ethnic communities in the public sector, thereby improving their general position in society. The instrument is often subject to manipulation and abuse, hence the questions related to the expediency in terms of its application. The purpose of the research is to provide a critical review regarding the implementation of this instrument. Of course, it should be noted that the principle of equitable and fair representation does not mean percentage representation, because the application of this principle does not depend only on the number of communities, but also on different circumstances, that is, on the level of education and on the competencies of the candidates. Equitable and fair representation means the application of positive discrimination, but without disturbing the system of merits in employment in state government bodies and in other public institutions. The research contains comparative experiences and proposed options for improvement, which should be considered in a process of open social dialogue. Methodologically, the research is based on the analysis of: - the content of the documents related to the equitable and fair representation in RNM; - the legal framework that guarantees equitable and fair representation; - on summarized opinions from focus groups and stakeholders from relevant state institutions, and - on public opinion research on this issue.

# 1. EQUITABLE AND FAIR REPRESENTATION

## 1.1. THEORETICAL SETTINGS

One of the elements of the power-sharing system is the representation of citizens-members of all communities in the public sector, that is, their - equitable and fair representation in state government bodies and other public institutions. Freedom of expression and association, the application of the principles of non-discrimination, are not powerful enough by themselves to change the situation in which the majority dominates, because, usually, minorities are underrepresented in the public sector. The imbalance in public administration and the imbalance in employment, in the long term, creates dissatisfaction and is a source of potential disagreements. From there, in order to overcome inequalities in society, rights are introduced that enable greater access of minorities to institutions and their integration (for example: education in the mother tongue, use of the language of the minority in the administration, etc.), or rights to representing what is - "reserved," that is, what enables - "privilege", also known as affirmative actions. When the parties in complicated conflicts, especially in societies divided by deep ethnic, racial or religious differences, perceive that they are unable to get out of the conflicts unless they find a compromise, they can refer to the power-sharing system as a potential solution. The system of power sharing is a system of governance, in which all major segments of society are provided with a permanent distribution of power, and this system is different from the system - power vs. opposition, in which, on the other hand, ruling coalitions, composed of different social groups, rotate on the political scene from time to time. For a long time there was a misconception that there is a unique formula for the division of power, called consociationalism. The elements of this power-sharing approach are well known: grand coalitions, proportionality, partial autonomy or federalism, and mutual veto. However, this prototype of separation of powers is nothing but just another form of a very wide range of political options for dealing with conflicts. The essence of political options can be extremely different, in terms of the goals, structures and the effects they produce in promoting mediation and compromise between groups, and the goal is to make the most optimal political participation of the various minority groups / segments, in the decisions of the national government. politics. Power-sharing options can complement each other and always create temporary solutions. But in the long run, they contribute to a more fluid form of democracy that allows for the creation of flexible coalitions to bridge ethnic divides (Sisk, 2005). The principles for sharing power can be summarized in 5 points, namely: 1) the necessity of participation of "all significant groups"; 2) the necessity of a high level of autonomy for all significant groups; 3) the necessity of proportionality in the management between groups; 4) the right of veto that minorities must have on vital matters affecting their convictions, and 5) the reduced dominance of the majority (Lijphart, 1977; Lijphart, 1999). Additionally, public participation should be encouraged in all spheres and is a significant factor for development and for the full realization of human rights (Hannum, 1990). In order to overcome the potential unrepresentativeness of the system, there are also the special rights of representation of minorities or groups, which can appear in several different forms, namely: - symbolic representation, when flags and anthems reflect the presence of minorities in society; - functional representation, when minorities appoint representatives to government agencies or organize pressure groups to ensure access to political decision makers; - electoral representation, when the electoral system allows minority interests to be articulated in the legislative chambers; - microcosmic representation, when minorities are

reflected proportionally according to their numbers in the personnel of public services (Birch, 1989). Discrimination, implemented or tolerated by the state in the employment sphere, is the most visible manifestation of one of the most divisive factors in the relations between the minority and the majority. If the minority is deliberately excluded from the decision-making process at the administrative level, then its members may conclude that the political process is also fraught with prejudice. In such situations, some form of preferential policies are necessary to encourage the employment of minority groups (Hannum, 1990). However, on the way to a society in which the need for special representation will no longer exist, the rights of special representation are often considered a temporary measure (Kimlika, 2004). Hence, these measures are not without theoretical and practical controversies, and this especially applies to preferential employment and the application of "ethnic" quotas in employment in the public sector.

## **1.2. LEGAL AND INSTITUTIONAL FRAMEWORK**

The most important provision regarding fair representation is contained in the Constitution of RNM (Amendment VI, Constitution, 1991). It is expressed as a fundamental value - equitable and fair representation of citizens belonging to all communities in state bodies and in other public institutions, at all levels, and is related to one of the most important issues for peace and stability of the state. The Constitution stipulates that the Ombudsman pays particular attention to the protection of the principles of non-discrimination, equitable and fair representation of the members of the communities in the bodies of the state government, the bodies of the local self-government units and in public institutions and services (Amendment XI, Constitution, 1991). When electing judges, jurors, public prosecutors, and members of the judicial council, the Constitution establishes that the equitable and fair representation of citizens belonging to all communities will be observed (Amendment XXVIII, Amendment XXIX, Amendment XXX, Constitution, 1991).

In relation to the international legal framework, RNM has signed and ratified documents that protect human rights (in general) and ensure non-discrimination, as well as documents that protect minority and language rights, which are the basis for ensuring adequate representation of different ethnic communities. Within them are the European Convention for the Protection of Human Rights (1950); The UN Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights (1966), etc. The Framework Convention for the Protection of National Minorities (1995) contains provisions relating to the protection of national minorities and requires the state to undertake specific measures which should be of an affirmative nature and which aim to eliminate or reduce existing inequalities in the society.

There are also numerous laws that further develop the fundamental value/principle of fair representation and establish the mechanisms and instruments to be used by all public institutions to achieve the predicted balance. The protection of communities is provided by systemic laws that regulate aspects important for minorities (self-government, education, public administration, etc.) as well as by-laws. At the national level, there is a Ministry of Political System and Community Relations that promotes and monitors all aspects related to community rights; Committee for relations with communities, where all communities are represented and whose purpose is to promote the rights of communities and manage the distribution of public funds) and whose competence is to consider issues related to relations between communities in RNM, and especially the implementation the principle of equitable and fair representation of citizens belonging to all communities in state government bodies and in other public institutions at all levels (Law on the Committee for Relations with



Communities, 2007); as well as the Agency for the realization of the rights of communities that are less than 20% of the population of RNM, which advocates the application of the principle of equitable and fair representation in employment in state government bodies and other public institutions at all levels (Law on Rights of communities that are less than 20% of the population, 2020).

The Ministry of Information Society and Administration (MISA), as an institution responsible for the functioning of public administration, coordinates and supports the entire process of reforms in this sphere. The Ministry of Political System and Community Relations, on the other hand, is the institution responsible for implementing the OFA regarding the rights of communities. Existing legislation regulates all aspects of public administration, to establish a politically independent and professional public service based on competencies (for admission) and on merit (career advancement) (Law on Public Sector Employees 2014; Law on Administrative Officers 2014).

The balancer is a human resources management tool, whose tendency is to increase the number of non-minority communities in the public administration and establish a quota system. According to the established methodologies, vacancies in public institutions should be drawn up following a procedure carried out in accordance with the Law on Administrative Officers and the Law on Employees in the Public Sector. Namely, the Law on Employees in the Public Sector (2014) stipulates that employment should be according to Article 5, which describes the Methodology for planning employment in the public sector, in accordance with the principle of equitable and fair representation; then according to article 20a, paragraph 2, which regulates the annual plans for employment in the public sector, i.e. - achieving and maintaining equitable and fair representation; as well as according to article 20b, which regulates the ways of obtaining consent in relation to annual plans. Hence, the Law on Public Sector Employees foresees a mechanism for allocating new employment with equitable and fair representation of community members, at the central and local level of public sector institutions, based on the institutional needs expressed in their Annual Employment Plans. Before preparing an annual employment plan, existing institutional data on ethnicity and number of employees are entered into the "balancer" tool, available on the MISA website. The tool calculates the number of people from a certain ethnic community that should be hired to reach the desired threshold for fair representation in the specific institution that plans to implement new hires. The required percentage - threshold for fair representation, results as a calculation that takes into account the total number of employees in that institution in relation to the data from the last population census, at the level of the state and at the level of the municipality where the institution is established. The annual employment plan is submitted to the Ministry of Political System and Community Relations, which should confirm or make a proposal to correct the plan, in order to reach the required threshold of representation - placed in the "balancer." After a positive opinion from the Ministry, the employment process can continue.

Within this institutional framework is the Agency for Administration, which deals with all aspects related to employment in the civil service and complaints regarding them. The Agency for Administration adopts Guidelines on how institutions should prepare and publish their public call for employment (based on the Annual Employment Plan), and among the necessary conditions for a valid call is the indication of the preferred, that is, the required nationality (or community) of the candidate to be employed in the advertised position (Government Decree, 2018). Thus, the current legal solutions and the Methodology protect the principle of equitable and fair representation. At the same time, there is an obligation -

for each institution to annually report whether it has reached the threshold (Law on Public Sector Employees 2014).<sup>1</sup>

The full implementation of the OFA and the building of a civil state with ethnic and social cohesion based on the principles of mutual tolerance and respect is part of the strategic priorities of the Government (so-called - of all previous Governments since 2001). In previous years, different modalities were used to achieve fair representation. In 2003, the government adopted the Basics for the preparation of the Program for improving the fair representation of communities in the public sector and public enterprises. In 2007, the Strategy for equitable and fair representation of members of non-majority communities in the Republic of Macedonia was adopted. The strategy contains measures and activities aimed at improving the equitable and fair representation of all ethnic communities in the country. According to the Strategy, the increasing number of members of non-majority communities in the public administration should strengthen the multi-ethnic society and use its potential, while offering better services to all citizens. Within that document, a special role was given to the Ombudsman for the protection of the principle of non-discrimination and the principle of equitable and fair representation. Based on that, the Ombudsman can initiate a procedure, give an opinion or recommendations, initiate disciplinary measures and submit a request to the Ombudsman. In addition, the Ombudsman generates annual reports where he monitors progress or regression in the application of the principle of equitable and fair representation in public institutions. Recently, however, the Government adopted a National Strategy for the Development of a one Society and Interculturalism (2020-2022), for taking measures to build an integrated society (Government of RNM, 2019).

---

<sup>1</sup> Before the adoption of the Law on Public Sector Employees , the K5 Program was used as a mechanism to achieve equitable and fair representation, through which a large number of members of the communities were employed within the former Secretariat for the implementation of the OFA, who were to be distributed among the institutions. However, this mechanism turned out to be ineffective due to the fact that during such mass employment of people in one central place, the staff profile needed by the institutions was not taken into account, so it was difficult to be transferred to the institutions. This led to problems and inconsistencies, due to the fact that a large number of employees through this program in one period received a salary, but did not go to work.

## 2. CONDITIONS

After the adoption of the Constitutional Amendments in 2001 (after the signing of the OFA) and subsequent reforms, there is no doubt that the number of members of non-majority communities in the public administration increased significantly. RNM has a moderately large public sector and a low rate of satisfaction among citizens with the use of public services at the central and local level. This can be seen from the huge number of individual petitions addressed to the relevant institutions for the protection of citizens' rights (RNM Public Prosecutor, 2022; Blaževski, 2022), as well as from other related analysis (Šikova and Gotceovski, 2019; Macedonian Platform Against Poverty, 2017; Kyurchieva and Todevski, 2018). Public services in RNM refer to the various services and programs that the Government should provide for citizens, as easily accessible, efficient and of high quality. The public administration in North Macedonia is overburdened (BTI, 2022) compared to the resident population, which, according to the last census, is – 1,836,713 (State Statistics Office, 2021). The Macedonian public service has about 132,088 employees in the public sector and 15,302 civil servants working in 1,346 institutions (MISA, 2021). Due to the weak economic situation and unemployment in the country at a rate of 16% (Macrotrends, n/a), the public sector is the main employer in the country, where most people strive for social security that cannot be achieved in the private sector (US Embassy, 2021).

The determination to achieve equitable and fair representation of non-majority communities is reflected in the fulfillment of certain thresholds for their employment (presence) in the public sector, and it is achieved through appropriate methodologies for employment in the public sector. The introduction of methodologies and instruments results in greater ethnic representation of different groups of citizens in the bodies of the central government, in the bodies of the local self-government units and in the public sector as a whole (Shikova & Andeva, 2023). According to the Report from the Register of Employees in the Public Sector for 2022, which is maintained by the Ministry of Information Society and Administration, on December 31, 2022, 71.36% of employees were Macedonians; 21.60% Albanians; 2.42% Turks; 1.49% Roma; 1.40% Serbs; 0.74% were other, that is, they did not declare; 0.52% were Bosnians and 0.48% Vlachs (Report from the Register, 2022). Expressed in numbers, the representation of non-majority communities in the public sector has increased compared to previous years, that is, for illustration: - in 2007, Albanians were represented by 10.8%, and in 2021, that percentage was 20.6; - Turks were represented by 1.1%, and in 2021 by 2%; - Roma were represented by 0.8%, and in 2021 by 1.3%; - The Vlachs remained at the same level, while among the Bosnians, the representation increased from 0.3% to 0.5%. However, progress is not even, or the situation has not improved equally in all sectors, institutions and authorities (RNM Ombudsman, 2022b; RNM Ombudsman, 2021).

In addition to the important changes achieved, there are also constant challenges in the implementation of the policies. The instrument is often a springboard for members of the political parties in power and is therefore the basis

for many abuses. The "balancer", which determines the entire procedure for employment in the public service, was prepared by the Minister of Information Society and Administration, as the responsible institution for managing the public administration in RNM. Within the stated framework, a solution recently appeared - when preparing the annual employment plans, to take into account the figures from the non-resident population - which caused negative reactions in the general public (European Commission, 2022). According to the Bureau of Statistics and international census standards, the category - non-resident population exists only to get a picture of emigration, and therefore can only be used to create policies that address issues related to population loss, that is, policies applicable for citizens living in the state, are based only on the number of resident population.

Another challenge when applying the balancer is the proof of belonging to a certain community. Being a member of a community is an individual choice. In RNM, membership in a particular community is an individual choice, and self-declaration is the only relevant indicator of one's ethnicity, which, in turn, leaves an additional opportunity for misuse of the instrument (Shikova & Andeva, 2023). Recently, the State Commission for the Prevention of Corruption expressed concern that the application of this tool directly affects the intimate feelings of citizens, related to one's ethnicity, and often, just to get a job in the public administration, applicants self-identify as indicated or required. in the public announcement (TV21, 2022). Since there is no register of current or previous ethnic self-identification, all these things are mostly to the detriment of smaller ethnic communities, such as Vlachs, Roma and Turks. From there, the analysis indicates that, except for the two largest communities, for the other smaller communities there is almost none, or only little progress in realizing the principle of equitable and fair representation. The remarkably low growth of the representation of certain smaller ethnic groups, such as the Roma, for example, requires additional measures and activities, starting from the analysis of educational capacities and the need to increase them (CPIA, 2019). The other challenge is related to the insufficient representation of persons related to numerically smaller minorities, especially in management positions. The system does not apply to members of communities not mentioned in the Constitution (Egyptians, Macedonian Muslims, etc.) (Council of Europe, 2022). Recently, even the Ombudsperson recommended to MIOA to deal more seriously with these issues and to find an appropriate mechanism that will eliminate the abuse, i.e. pointed to the need for essential implementation of the constitutional principles (Ombudsman of RNM, 2021; Ombudsman of RNM, 2022b; Zibery, 2022a).

The current measures to ensure equitable and fair representation do not contribute to the implementation of the principles of merit in public administration employment procedures, conditioned by the EU and established in the laws. In its opinion on the RNM, the Advisory Committee on the Framework Convention for the Protection of National Minorities reported that the application of the principle of merit has deteriorated in the country. In addition, the Committee claims, the process is even more problematic because higher positions are associated with a high degree of partisanship, which, according to their sources, is related to the thesis that for

employment in the administration, applicants should have "true" ethnic and political affiliation. Hence the recommendation of the Advisory Committee of the Council of Europe is to avoid measures that aim to achieve rigid, mathematical equality in the representation of different groups, which often implies an unnecessary increase in jobs, as they risk undermining the effective functioning of the structure of the state and lead to the creation of separate social blocs. On the other hand, self-identification with a certain minority group, motivated only by the acquisition of certain advantages or benefits, undermines the standards for the protection of minorities. Therefore, it is necessary to improve the implementation of the principle of fair representation together with efforts to achieve merit and efficient public administration and improve the position and representation of smaller minorities (Council of Europe, 2022).

Regarding the exceptions to the application of the balancer, the Law on Public Sector Employees, in Article 3, paragraph 3 within the chapter that refers to employment planning, determines where the "balancer" tool is not used, i.e. the tool is not applied to the military and civilian personnel in the service of the Army of the RNM, to the authorized officials in the Ministry of Defense, in the Ministry of Internal Affairs and in the body within the Ministry of Internal Affairs - the Public Security Bureau, in the National Security Agency, in The Intelligence Agency, as well as in the body within the Ministry of Finance - the Financial Police Administration. However, even without an appropriate methodology or document that regulates these issues, according to the responsible persons, care is taken for equitable and fair representation of employees. Of course, it should be taken into account that in the Army of the RNM, or in the Police, vacancies with large number of positions are published, that is (for example 300), so in the number of registered candidates, an equitable and fair representation of members of all communities. In some areas, such as education, the balancer cannot be applied, but in all these exceptions (albeit subject to further analysis) equitable and fair representation is achieved and maintained.

### 3. CHALLENGES NOTED (FOCUS GROUP REPORT)

For the purposes of this research, in addition to content analysis and document analysis, three focus groups were also conducted. The focus groups consisted of representatives from: - the Ministry of Political System and Community Relations; - Agency for the promotion of the rights of communities; - MISA; - Agency for Administration; - The Office of the Ombudsman, and - the civil sector representatives.

The participants of the First Focus Group highlighted the possible abuse of the application of the "balancer", as well as the problems that exist in relation to the inability to prove one's ethnicity. They referred to the idea of having ethnicity as part of citizens' personal documentation (for example, being recorded in a birth certificate) as a way to reduce abuse. According to them, the legal framework related to equitable and fair representation is good, but there is an opportunity to improve the "balancer" as well as the methodology for equitable and fair representation. They consider tools like the "balancer" necessary, because it is not enough just to achieve fair representation, but it should also be maintained. In addition to problems related to the lack of proof of a certain ethnicity, there are also problems in relation to employment and retirement planning, that is, the outflow of staff is not taken into account, even if there are funds released in the employment budget due to the retirement or departure of existing employees, however, financial consent must be sought to fill those jobs, which, however, is often not obtained, so that certain institutions cannot employ people to perform the basic competencies. Institutions consider the recruitment methodology to be complicated, so the recruitment processes are often very slow. The problem with the lack of representation of smaller ethnic communities remains, but according to the members of the focus group, the reports produced by the Ombudsman are not reliable because they are inconsistent, that is, the same set of data from the same institutions is not monitored. They consider the "balancer" to be a good instrument, but there is room for improvement to address shortcomings. They believe that it is necessary to carry instructions on how to fill in the "balancer", to simplify its form, to describe the results qualitatively, and not with numbers, because they do not indicate the real conditions. It is proposed to methodologically harmonize the reports of the Ombudsman and the MISA, as well as keep data not only on ethnicity, but also on gender statistics of members of ethnic groups who are employed in the administration.

And within the Second Focus Group, the problem with the possible abuse of the application of the "balancer" was highlighted as crucial, as well as the problems that exist in relation to the impossibility of proving one's ethnicity. Focus group participants pointed to the problem in approving annual employment plans because the special laws are not aligned with the Law on Public Sector Employees. For example, although the Law on Public Sector Employees provides for the planning of all employment in public health institutions, with Article 155-h, paragraph 1 of the Law on Health Care, the annual plans cover only administrative officers and auxiliary technical persons. As an additional problem, the deadlines for the adoption of the annual plans were highlighted, which are not in accordance with the deadlines for the adoption and allocation of the budget, due to which the institutions are either late in submitting the plans due to the lack of consent from the authority responsible for the budget, or, on the other hand, the plans they deliver without employment and then make frequent changes, which loses the meaning of planning itself. Focus group

participants also pointed to inconsistencies in the forms and tables for the annual employment plans. That is, it was pointed out that the forms for annual plans are very complex, which is why institutions often make mistakes when filling them out. The need to change the annual plans for every change in the planned position to be filled by employment or promotion was highlighted as the reason for excessive bureaucratization of the planning procedure, because institutions make changes to the plans several times during the year. Although those changes do not fundamentally change anything, because the sequential distribution of jobs by belonging to communities does not change. Due to the fact that the employment procedures planned for November and December end only in the first quarter of the following year, it was emphasized that the reports for the period July - December are not real, because they do not contain the data on employments from that period. In the end, it was pointed out that, very often, mobility is used to play the "balancer", that is, if the institution cannot employ a member of a certain community due to the annual plan, then that person is employed in another institution in which they have planned jobs for that person. community, and then by taking over he was transferred to the institution that could not employ him directly because of the "balancer". According to the respondents, for now the annual plans and the "balancer" are the best solution if there must be employment by ethnic key, but it was pointed out that - the planning process itself should be harmonized with the adoption of the budget; - the planning forms should be simplified so that constant changes are not made to the plans; - to limit the mobility of employees for a period of at least two years after employment so that there is no abuse of the annual plans; - to establish a mechanism for checking the ethnicity by limiting the possibility of changing the ethnicity in the electronic profile of the candidates, and - to establish a deadline in which employments should be planned, i.e. not to allow employments to be planned after 15 October.

According to the participants from the Third Focus Group, the most optimal thing would be to abolish the "balancer" as an ineffective tool, and to hire employees in the administration exclusively according to the merit system. But even though they realized that the conditions for such a solution have already matured, they still believe that there is still no political will for all of this. They believe that the "balancer" was introduced as an affirmative but temporary measure, that is, it can exist as a recommendation, but not as a mandatory condition. Regarding the current solutions regarding the proof of ethnicity, they emphasized the proposal that ethnicity should be a field in the electronic employment form that will be selected once and will not have the possibility to change - forever or for a certain period. They claim that the current application of the "balancer" discriminates, is obviously abused and is the basis for inequality between citizens. From there, they believe that both in relation to the "balancer" and in relation to other issues, possible abuses related to the change of ethnicity should be limited. It was pointed out to the focus group that equitable and fair representation has been achieved - partially, that is, it does not include the smaller ethnic communities that are excluded from these calculations, as well as those that are not recognized in the Constitution. On the other hand, fair representation is not realized equally in all institutions, and in any case, according to the participants in the focus group, the "balancer" does not respect the merit system. Regarding the position of the Ombudsman, it was pointed out that it is very complicated to collect data from all relevant institutions, so the reports on representation should be prepared by MIOA as the institution with the most up-to-date data, or, on the other hand, by the Ministry of Political System and Relations between the communities. The Ombudsman can only observe, but this is where his role ends. For them, it is contrary to international standards to limit the right to self-determination by ethnicity, that is, to prohibit its change, so there is no valid mechanism to limit this practice. In the practice of the European Court of Human Rights, there are judgments against acts of

states aimed at limiting identity, that is, changing it. The representatives of the focus groups believe that the general situation is complicated, but it will be further complicated by the inclusion of new minorities in the Constitution, so the existence of such a tool is debatable, considering the considerations of whether the goal of equitable and fair representation is really achieved.



## 4. PUBLIC OPINION RESEARCH

Within the framework of the project, a survey of public opinion was conducted regarding the application of the principle of equitable and fair representation as well as the application of the Annual Employment Plans and the "balancer".<sup>2</sup>The research shows that: - 36.5% of respondents understand the principle of equitable and fair representation; - 29.5% partially understand it; - 32.4% do not understand it, and 1.6% of respondents did not give an answer. Regarding the question: Do you think that fair representation in the administration should reflect the ethical character of the country, provided that the other conditions for employment (education, work experience, etc.) are met: - 50.8% of the respondents answered with "YES"; - 33.1% answered "NO"; - 2.2% refused to answer, and 13.9% answered with "I DON'T KNOW." Regarding the question: How do you evaluate the current employment practice according to the principle of equitable and fair representation: - 11.2% of the respondents answered with "good"; - 76.2% answered "bad"; - 3.1% refused to answer, and 9.5% answered with "I DON'T KNOW". In the end, regarding the question: Are you ready to declare yourself as a member of another ethnic community if it is a condition for employment: - 6.6% of the respondents answered "YES"; - 90.7% answered "NO"; - 0.8% refused to answer, and 2% answered with "I DON'T KNOW".

From the attached it can be seen that the majority of the respondents (50.8%) do not oppose the application of equitable and fair representation during employment (in relation to 31.1% who are against), if the candidates have fulfilled all the other conditions. But the vast majority (76.2%) consider that the current practice of achieving equitable and fair representation is - bad.

To the open question - If the citizens (respondents) understand the concept of equitable and fair representation, the majority believe that everyone should be treated equally and fairly, but that it is clear to them from experience that party affiliation and nepotism decide employment. They are determined that when hiring in the public sector, quality and education should be taken into account, that is, if the candidates meet the conditions of the advertisement, then the criteria should apply equally to members of all communities in the country, and the selection of the employee should be based on merit. For them, it is indisputable that everyone should be equal before the law, but they are realistic that discrimination is present on all grounds, that partisanship and corruption are the starting positions for employment in the public service, unfortunately in contrast to competences, education and, for certain jobs, authentic ethnicity. The respondents value equality and fair representation, they believe that the decisive factors for employment should be hard work and education, but they are faced with the unconstructive practice in Macedonian society of injustice in relation to access to public service, i.e. that the existing laws are "a dead word of paper."

---

<sup>2</sup>The survey was conducted by the research house Team Institute on a representative sample of 1000 respondents in the entire territory of RNM, according to a standardized questionnaire in June 2023. The survey included people over 18 years of age in all six electoral units, according to the number of voters, taking into account the appropriate representation of respondents in terms of their age, gender, ethnicity and place of residence (urban/rural environment).

## 5. COMPARATIVE EXPERIENCES

### 5.1. South Tyrol - Province of Bolzano

Although each situation is unique and depends on different circumstances, on a given political and economic situation, to illustrate the implementation of policies of fair and proportional representation in public life, we will present an example based on proportional representation according to belonging to a linguistic group, and applied in the Republic of Italy - South Tyrol, Province of Bolzano. A large number of minority groups live in Italy, differing both in number and in the level of protection afforded to them by the legal system. The protection is first implemented at the constitutional level, that is - the Constitution takes into account the language determination, that is, the affiliation of the individual, as a subjective element, and citizenship as an objective criterion. Despite the adjective "ethnic" that exists in some of the regional statutes, the term "ethnicity" has no legal meaning in Italy. Hence, Italy is a nation-demos that recognizes different ethnicities, that is, a nation - a linguistically plural community (Palermo & Woelk, 2011). The Italian state has a regional structure and consists of 20 regions with different status. The most advanced protection of minorities is in the Trentino-Alto Adige region, and in the autonomous province of Bolzano. Trentino South Tyrol is one of the five autonomous regions in Italy (Trentino-Alto Adige / South Tyrol). South Tyrol is one of two provinces in the region, also called - Province of Bolzano, which enjoys wide political autonomy. The Statute of Regional Autonomy is the basic act of each region and sets up a complex legal system that refers to a combination of rotation, parity and proportional representation of groups. The system is based on "power-sharing" or "consociationalism", which involves the diffusion of power from the center to the periphery (Palermo & Marko, 2008). The Statute of Autonomy of 1972 establishes a power-sharing system (Carlà, 2023) in the province. German and Italian are the two official languages of South Tyrol (while in some municipalities, Ladin is the third official language).<sup>3</sup> Language quotas are established in the province of Bolzano, and are based on a declaration of belonging to a specific language group (declaration for linguistic affiliation). It is a self-declaration and is an important instrument for managing the entire quota system in the province (Alber, 2021:187). A special feature of the system is the linguistic proportion in the employment process in the public administration and is based on a system of quotas based on the use of the German, Italian and Ladin languages, according to the numerical representation of those who speak the specified languages, in relation to the total population (Steininger, 2003)<sup>4</sup>. In the province of Bolzano the declaration of linguistic affiliation is linked to the general population census. The statement is given on a sheet marked A/2, which is a suitable form, but also electronically. By decree of the President of the Autonomous Province of Bolzano, in consultation with the Guarantor (Office) for the protection of personal data, the implementation methods are defined that guarantee appropriate measures and anonymous methods for collecting data electronically. The A/2 sheet is submitted in a separate closed white envelope, anonymously and marked - "for the municipality". Without opening it, the municipal census office forwards the envelope to the provincial census office. The sheet and envelope must not have any identifying marks. In addition, any citizen over the age of eighteen living in the province has the right at any time to make an individual declaration of belonging to one of the three language groups (Italian, German and Ladin). When applying for a vacant position in the public administration, proof of language affiliation is the deposited declaration of affiliation. The opportunity/right to make such a statement is given to: - all residents of the province of Bolzano; - citizens coming from another Italian province or from another country belonging

<sup>3</sup> "Ladin" is a Romance language mainly spoken around the Dolomites mountains in Northern Italy in the provinces of South Tyrol, Trentino and Belluno. It is similar to "Romansh", the language spoken in Switzerland;

<sup>4</sup> This is realized on the basis of the Gruber-De Gasperi Agreement of 1946, the provisions of which are transferred to the Statute of Autonomy of the region as well as to the Decree on Quotas (No. 752) of July 26, 1976;

to the EU, and transferring their residence to the province of Bolzano; - citizens who have acquired Italian citizenship; - citizens of non-EU countries who have been living in the province of Bolzano since 2016 and have indefinite/unlimited or long-term residence. A person can change his declaration, but for this to happen five years must have passed since the initial/first declaration. The amended declaration enters into force after 24 months (Tribunale di Bolzano, n/a). The declaration form offers four options for selection and affiliation to: 1) German language group; 2) Italian language group; 3) Ladin language group; and 4) other. Those who choose the latter option, however, must choose and commit to one of the three language groups in order to exercise the rights granted to the language groups (Tribunale di Bolzano, n/a). Statements are made on a marked sheet A/1, available in every office at the Court of Bolzano and electronically. The A/1 sheet is signed by the person giving the statement and is placed in a special yellow envelope, which closed is delivered directly to the Court or to other institutions designated for that purpose. The envelope is sealed upon delivery. The court keeps the envelopes closed and immediately certifies them without charge. Statements have an indefinite duration, that is, until the previously given statement is not modified (after at least five years have passed since the moment it was given). Statements are revocable at any time. In order to confirm belonging or aggregation to a language group, the candidate for employment in public service also provides a statement in a closed envelope, together with the statement of competences for the public competition. The closed envelope is opened only when the competent authority has confirmed that the candidate possesses the required competencies. To the persons who are not admitted, the given certificate is returned to them in a closed envelope.

## **5.2. Regulation of Quotas**

Adequate knowledge of Italian and German is necessary for the performance of duties in the public administration, and is a condition for employment and a criterion for allocation. For the recruitment of vacancies following competitions, including internal competitions, as well as for the awarding of higher positions, a certain number of places are reserved for candidates who possess the required language proficiency certificate. The most successful candidates after the competitions for the reserved jobs are assigned a job in the offices of the province of Bolzano as a first job, and until they have completed ten years of effective work experience in that position - they cannot transfer to another job. The assessment of knowledge of Italian and German is entrusted to one or more commissions appointed by decree of the Government Commissioner, in agreement with the President of the Provincial Council. With the same procedure, the criteria for evaluating the knowledge of the two languages are also determined. The knowledge of the Ladin language, the levels of language competence and the educational qualifications required to access an open position - are checked through a written test and an interview. The evaluation is carried out by one or more commissions composed of members of the Ladin language group, appointed for a period of five years. The Italian and/or German language certificates are equivalent to the Common European Framework of Reference for Languages, and correspond to levels A2, B1, B2, C1 and are supervised by a scientific committee appointed by the Provincial Government. If the candidate has the certificate of knowledge in one language, the test is conducted in the other language. The secondary education diploma and the first or second level qualifications of university studies are proof of knowledge of the languages, if they were acquired at a state or, alternatively, at an equivalent Italian language school, i.e. at a state university or at a recognized private school of study German or Italian language. The commissions issue certificates of knowledge of both languages.

The systematization of jobs in the Province of Bolzano is determined in separate tables, given in the Decree on Quotas. Places reserved for one of the language groups that remain vacant either because of a shortage or incompetence of candidates are filled by applicants from other language groups who, after participating in the competition or selection, are

considered suitable, provided that they do not exceed the maximum number places available for each language group. This can happen for a number of employments that do not exceed three tenths of the unfilled positions for the professional profile. These rules do not apply to managerial positions in the public administration, to the offices in charge of internal affairs, to the personnel of public security and to the administrative office of the Ministry of Defense. If, according to the employment procedure, the members of one language group are more numerous than the places reserved for them, the recruitment of suitable candidates from other groups is done according to the order of ranking, in accordance with the professional profile and the competencies required for a specific job (Shikova & Andeva, 2023).

### **5.3. Comparisons with North Macedonia**

When analyzing the systems of protection of minority rights, especially the representation in the public service, it can be said that between the system applied in RSM and the system of South Tyrol there are many similarities, but also many differences. First of all, we are talking about two different models of political arrangement, taking into account that RSM is a unitary state, that is, it is not divided into regions, unlike the Republic of Italy, and it is significantly smaller in terms of territory, resources and population. But what can be noted is that in both cases the solutions for the protection of language rights are similar (the declaration of belonging to South Tyrol, and the 20% threshold applied in RSM). However, Macedonia and Italy (although we are only talking about a small territory from Italy) are very different in terms of their historical and legal documents. It should also be taken into account that in South Tyrol the protection of minority (linguistic) rights is based on the concept of territorial and cultural autonomy, while in the case of RSM, solutions derived from the concept of cultural autonomy and decentralization are applied (in accordance with the decisions of the ORD). From there, with regard to the application of the system for equitable and fair representation in the RSM, and the quota system in South Tyrol, several main comparative observations can be drawn: 1) in both cases steps have been taken for increased representation of ethnic groups or, on the other hand, of language groups in public administration; 2) in RSM, belonging to a specific ethnic community is not officialized (it is registered in the population census and in certain official documents, but no documents or a personal statement are required for its confirmation) and there is no personal statement or declaration of affiliation (such as in South Tyrol); 3) the declaration of affiliation, on the basis of which an employment relationship can later be based, is given by every person who has resident status in the province of Bolzano, i.e. has a permanent residence (if it is a citizen of one of the EU member states). The resident status, i.e. the current residence, is an important element and without it, a declaration of belonging to a specific language group and the use of related rights cannot be made; 4) The efficiency of the systems is subject to debate in both cases. When it comes to representation in the public administration, the number of possible representation of different groups should correspond to the number of able-bodied population living and working in the territory of the respective state/region. In addition, attention should be paid to the emigration movements of the qualified labor force, which directly affects not only the fulfillment of the specified quota, but also the provision of professional staff in the public administration. In the case of South Tyrol, the problem of the outflow of young personnel in the field of medical sciences is evident, so that both the province and the whole country are faced with a small number of registered candidates, as well as with the impossibility of fulfilling the foreseen employment quotas (Frangipane, 2023).

## 6. POLICY OPTIONS FOR IMPROVING THE APPLICATION OF EQUATABLE AND FAIR REPRESENTATION

### 1) Leave the current state (option – "do nothing")

Although the existing mechanism for achieving equitable and fair representation is often criticized in the public, especially when job advertisements for certain communities are published, no alternative proposal was given to the public or to the focus groups as a replacement for the "balancer". and for annual employment plans. Therefore, for the time being, the most realistic option is to keep the current mechanism for achieving equitable and fair representation, with certain modifications and improvements.

### 2) To abolish the "balancer" – employment based exclusively on merit system

Critics of the "balancer", the existing mechanism for achieving equitable and fair representation, very often believe that the only option for progress in this sphere of public interest is - to abolish this tool, that is - to restore the merit system in employment, without account is taken of which community the candidates belong to. However, equitable and fair representation as a fundamental value is established in the Constitution, so a mechanism for its achievement must exist, until the necessary level of social awareness of the need and benefits of equitable and fair representation is reached, sustainable and without the use of special tools.

### 3) Phasing out of the "balancer"

Among the respondents from the relevant focus groups, as well as in the general public, the option to abolish the "balancer" is openly discussed - gradually, that is, after the equitable and fair representation has already been achieved, and social awareness has reached the necessary level at which conditions are created in which the established constitutional principle will be realized without hindrance. In many countries from the EU, but also more widely, during the employment procedures, account is taken of the ethnic and religious diversity of the societies, without such rigid legal mechanisms for its achievement. In the RNM, there are currently areas (police, military, education, culture, etc.) in which the "balancer" tool is not used, because in accordance with Article 3, paragraph 3 of the Law on Public Sector Employees, from the chapter that refers of employment planning - it does not apply to military and civilian personnel in the service of the Army of the RSM, to authorized officials in the Ministry of Defense, in the Ministry of Internal Affairs and in the body within the Ministry of Internal Affairs - the Bureau of Public security, in the National Security Agency, in the Intelligence Agency, as well as in the body within the Ministry of Finance - the Financial Police Administration. However, the data show that equitable and fair representation is achieved in these institutions as well, sometimes at a faster pace than in those institutions where annual plans are adopted. This can be a good basis for further phasing out the tool.<sup>5</sup>

---

<sup>5</sup>The knowledge was obtained after conducting interviews with responsible persons and officials in the mentioned institutions.

#### **4) Modification of solutions (abuse prevention)**

To modify the mechanisms for equitable and fair representation, especially - the "balancer". As an example, the experiences of South Tyrol and the method of determining ethnic identification, such as a protected secret document, personal statement and fixed identity from census to census, can be taken. To strengthen the application of the "balancer" in relation to smaller communities, as well as to emphasize its application at the local and central level where there is an imbalance. Considering the fact that at the moment the biggest problem is the possibility of changing the ethnicity according to the requirements of the public announcements, measures should be taken to limit the possibility of such abuse. One of the alternatives is a mandatory electronic application of the announcements through profiles that will be created by the candidates, profiles in which the possibility of changing ethnicity will be limited or edited. Decisions in this direction should comply with the constitutional principles and principles, as well as with the existing international standards related to the rights of minorities and their protection. It is necessary to simplify the procedure for adopting the annual employment plans, as well as the content of the plans, but also to prevent the abuse of the plans through mobility, that is, the transfer of employees from one institution to another. Finally, the deadline for the realization of the annual plans should be regulated, in order that all the planned employments can be fully realized in the year in which they were planned, and not be transferred to the following years. When creating policies related to the protection of minority rights, only the number of the resident population should be taken into account.

#### **5) Combination of mechanisms (use of the "balancer" in combination with the merit-based employment system)**

One of the options that deserves attention, and is heard most often from candidates in public announcements, is the combination of annual employment plans with a full merit system. Namely, very often the candidates point out that they want to apply for a job advertisement for which the only criteria will be competences, not ethnicity. Therefore, the option of combining the merit system with the existing mechanism deserves attention, i.e. - a certain percentage of the planned employments (from 20% to 30%) should be open to all candidates, regardless of ethnicity, and in the employment procedures to take care of the equitable and fair representation, without following any formal mechanisms, while the rest (from 70% to 80%) of the employments will be distributed by the "balancer." Thus, the candidates will be given the opportunity to choose - whether to they go to public announcements where ethnicity is one of the conditions for selection, or they will apply where the most competent candidates are selected for the open position. This option can be a temporary solution for the phase-out of the "balancer".

## 7. RECOMMENDATIONS (BASED ON CURRENT CONDITION)

- At all levels of state government bodies and other public institutions, guidelines should be defined for achieving equitable and fair representation of citizens belonging to smaller communities. The guidelines do not necessarily imply the use of a specific tool such as the balancer, but simply to consider the equitable and fair representation of communities in employment procedures following the example of employees in the RNM Army and the Ministry of Interior where it is not used tool, but still the representation is at a satisfactory level;
- To ease the application of the rigid system that determines specific proportions for employment. Rigid systems, based on strict rules and percentages, can further increase inequality (OSCE, 2012). Rigidity can limit the individual's right to freedom of self-identification, at the expense of the smooth management of the system (Lantschner and Poggeschi, 2008). The difference between the desired level of equitable and fair representation and the way in which the principle is implemented should also be noted. Equitable and fair representation is not the same as proportional representation of communities in the public sector. When determining models, the level of education and competencies of citizens in general should be taken into account, especially what are the qualifications of potential candidates from smaller communities. Society should take measures to strengthen their educational capacities and work skills. In that way, the members of the communities will become more competitive in the labor market, and this will also increase their representation in the public sector;
- The examples of using quotas in regulating the relations between minority and majority communities indicate that if they are already used, the regulation on which they are based should be transparent and unambiguous. Solutions should be reached through a broad social dialogue;
- belonging to a certain community only for the purpose of acquiring certain benefits. The example of South Tyrol can be followed and the way of giving a personal statement which is secret, changeable and revocable, but causes a legal effect after a certain time interval - from the moment it is given or, again, from the moment it is changed. One of the ways that can be considered is the option of introducing a fixed content of the field related to ethnicity in the electronic form (Profile of a candidate on the website of the Administration Agency) of candidates for a job in the administration, in a way that that the identity number of the candidate is immutable information. In this case, the content of the field "Membership of the community" would be time-limited (e.g. 5 years), and the change of the content in the specific field would not be effected immediately, but after a certain period of time (e.g. after 1 year from the determination) which would avoid abuses to change the affiliation of the community with the purpose of a specific job that is currently advertised;
- The fair representation should be monitored according to a standardized methodology, that is, the institutions should harmonize the method of collecting and analyzing data on an annual and multi-year level. It is also recommended to methodologically harmonize the reports of the Ombudsman and the MISA, as well

as keep data not only on ethnicity, but also on gender statistics of members of ethnic groups who are employed in the administration;

- To simplify the content of the annual employment plans and fully harmonize the forms. It is extremely important that the plans are based on accurate data, including an assessment of staffing fluctuations throughout the year, not just planned retirements. It is also possible to think about limiting the procedures for changing the plans during the calendar year, except in cases where the annual plan will be implemented in its entirety, and there will be a need for new additional employment. That is, if the order of jobs changes, it does not change anything in the annual plan regarding the distribution of jobs by community affiliation. It is necessary to consider the possibility that the reports on the realization of the employment plan should be expressed qualitatively, and not only quantitatively, so that the real situation can be presented more accurately. It is also necessary to prepare an Instruction for using the Balancer;
- To harmonize - the procedure for the adoption of the annual employment plans with the procedure for the adoption of the budget - which will prevent the current state of breaking through the deadlines for giving consent by the authorities responsible for the budget;
- To limit the possibility of abuse of mobility to cheat the annual plans, so that it will be prohibited - a new employee cannot be taken over by another institution with a mobility procedure, for a period of at least two years;
- To arrange the deadline for the realization of the planned new employments in the current year to be no later than October 15, because all the employments started after that deadline cannot be completed in the current year, and this leads to incorrect data in the reports on the realization of the plans, and even worse, incorrect data when planning the new employments for the next year, because these employments, although started, are not entered into the annual plans as realized, and all this affects the calculations in the "balance sheet";
- To take into account the options for modifying the "balancer" according to the proposed solutions;
- If the current option remains, the percentages in the balancer should be calculated exclusively according to the number of resident population, because it is the only indicator on which internal policies of the state should be built. The number of non-resident population indicates the emigration and the policies regarding it. From there, it is necessary to immediately return the previous solutions, that is, the balancer should calculate according to the percentages of the resident population.



# Bibliography

Albert E. (2021). 'South Tyrol's model of conflict resolution: Territorial autonomy and power-sharing' in Keil S., A. McCulloch (eds.), Power-sharing in Europe. Past practice, present cases, and future directions. Switzerland: Palgrave Macmillan, pp. 171-200.

Birch, A. H. (1989). Nationalism & National Integration. Unwin Hyman Ltd. London: 1989.

Blazhevski, T. (2022). Monitoring the European integration process. Reforms in public administration "Administering with the administration" is a key prerequisite for reforms. Skopje: Metamorphosis Foundation.

BTI (2022). BTI transformation index: Country Report North Macedonia. Available at [https://bti-project.org/fileadmin/api/content/en/downloads/reports/country\\_report\\_2022\\_MKD.pdf](https://bti-project.org/fileadmin/api/content/en/downloads/reports/country_report_2022_MKD.pdf).

Carlà, A. (2023). ECMI Minorities Blog. 50 Years of South Tyrolean Autonomy. Available at: <https://www.ecmi.de/infochannel/detail/ecmi-minorities-blog-50-years-of-south-tyrolean-autonomy>. <https://doi.org/10.53779/JJJJ2807>.

Council of Europe (2022). Fifth opinion on North Macedonia, Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), Secretariat of the Framework Convention for the Protection of National Minorities, Council of Europe, 18 May 2022. Available at: <https://rm.coe.int/5th-op-north-macedonia-en/1680a82967>.

D. Lgs. 29 April 2015, n. 75 is subsequently modified from art. 3, comma 1, del D.Lgs. 4 October 2021, n. 150.

State Statistics Office, Census of the population, households and apartments in the Republic of North Macedonia, 2021 - first database. Available at: [https://www.stat.gov.mk/PrikaziSoopstenie\\_en.aspx?rbtxt=146](https://www.stat.gov.mk/PrikaziSoopstenie_en.aspx?rbtxt=146).

European Commission (2020). Enhancing the accession process - A credible EU perspective for the Western Balkans. Background Document. Available at: [https://neighbourhood-enlargement.ec.europa.eu/enhancing-accession-process-credible-eu-perspective-western-balkans\\_en](https://neighbourhood-enlargement.ec.europa.eu/enhancing-accession-process-credible-eu-perspective-western-balkans_en)

European Commission (2022). Report on North Macedonia 2022. Available at: [https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2022\\_en](https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2022_en)

European Convention for the Protection of Human Rights (1950). Available at: [https://www.echr.coe.int/documents/d/echr/convention\\_mkd](https://www.echr.coe.int/documents/d/echr/convention_mkd)

Hannum, H. (1990). Autonomy, Sovereignty, and Self-Determination, the Accommodation of Conflict Rights. University of Pennsylvania Press.

Kymlika, V. (2004). Multicultural citizenship. Institute for Democracy, Solidarity and Civil Society, Skopje.

Lantschner, E. and Poggeschi, G. (2008). "Quota system, census and declaration of affiliation to a linguistic group" in Woelk, J, Palermo, F. and Marko, J. (eds). Tolerance through Law: Self-Governance and Group Rights in South Tyrol. (pp. 219-235) Leiden and Boston: Martinus Nijhoff Publishers.

Lijphart, A. (1977). "Political theories and explanation of ethnic conflict in the Western World: Falsified predictions and plausible predictions." In: Esman JM (ed) Ethnic Conflict in the Western World (pp 46-64). Cornell University Press.

Lijphart, A. (1999). Patterns of Democracy, Government Forms and Performance in Thirty-Six Countries, Yale University.

Kyurchieva, I. and Todevski, M. (2018). Provision of local self-government services (First semi-annual monitoring report of local self-government units). Skopje: Center for Change Management, Association for Management Consulting MKA -2000, Center for Investigative Journalism SKUP.

Macedonian platform against poverty. (2017). Challenges and problems of citizens in using public administration services. (2017). Skopje: Macedonian platform against poverty. Available at:<https://eurothink.mk/2018/12/11/challenges-and-problems-of-citizens-when-using-public-administrative-services/>

Macrotrends (n/a). North Macedonia Unemployment Rate 1991-2023. Available at:<https://www.macrotrends.net/countries/MKD/north-macedonia/unemployment-rate#:~:text=North%20Macedonia%20unemployment%20rate%20for,a%203.48%25%20decline%20from%202018>

MISA. (2022). Report from the register of employees in the public sector for 2022. Available at:[https://MISA.gov.mk/sites/default/files/pbl\\_files/documents/reports/finalen\\_izveshtaj\\_za\\_2022\\_godina\\_30.03.2022\\_godina.pdf](https://MISA.gov.mk/sites/default/files/pbl_files/documents/reports/finalen_izveshtaj_za_2022_godina_30.03.2022_godina.pdf)

MISA. (2021). Report from the register of employees in the public sector for 2021. Available at:[https://MISA.gov.mk/sites/default/files/pbl\\_files/documents/reports/finalen-izveshtaj\\_2021\\_rabotna\\_30.03.2022.pdf](https://MISA.gov.mk/sites/default/files/pbl_files/documents/reports/finalen-izveshtaj_2021_rabotna_30.03.2022.pdf)

International Covenant on Civil and Political Rights (1966). Available at:<https://www.pravdiko.mk/2786/megunaroden-pakt-za-graganskite-i-politichkite-prava/>

Ombudsman of the Republic of North Macedonia (2022). Review of received/recorded submissions and data on undertaken/not undertaken/interventions by area in accordance with the Law on the Ombudsman from 01.01. until 30.06.2022 by districts [Overview of received/recorded complaints and data on taking/untaken actions/interventions by districts according to the law of the Ombudsman from 01.01. Until 30.06.2022 by district. Available at:<http://bit.ly/3K9exqI>

Ombudsman of the Republic of North Macedonia (2022b). Press of the Ombudsman for 2022. Available at:<http://bit.ly/3YUYUyn>

Ombudsman of the Republic of North Macedonia. (2021). Report on the implementation of the principle of fair representation for 2021 Available

at:<https://Ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/documents/SPZ/S PZ-2021-Mak.pdf>

OSCE (2012). The Ljubljana Guidelines on Integration of Diverse Societies.<https://www.osce.org/hcnm/ljubljana-guidelines>

Palermo, F. and Woelk, J. (2011). Diritto Costituzionale comparato dei gruppi e delle minoranze (2nd edition). Milan: CEDAM.

Framework Agreement (2001). Available at:[Microsoft Word - Framework agreement.doc \(pravdiko.mk\)](#)

Framework Convention for the Protection of National Minorities (1995). Available at: <https://rm.coe.int/16800c130f>

SIGMA (2021). Monitoring Report. The Principles of Public Administration. Republic of North Macedonia. November 2021, OECD and SIGMA. Available at: <https://www.sigmaweb.org/publications/Monitoring-Report-2021-Republic-of-North-Macedonia.pdf>

Shikova, N., & Andeva, M. (2023). Analysis of the Systems for Representation of Minorities in Public Administration: The Case of the Republic of North Macedonia. Journal on Ethnopolitics and Minority Issues in Europe, 22(1), 94–125. Available at: <https://www.ecmi.de/JEMIE/index.php/journal/article/view/65>

Shikova N. and Gotcevski D. (2019) Analysis of the impact of the expansion of administrative-legal protection in the Republic of North Macedonia. Proceedings of AICEI, Volume 14, Number 1.

Sisk. TD (2003). Power sharing. The beyond intractability knowledge base project. Available at: [https://www.beyondintractability.org/essay/power\\_sharing](https://www.beyondintractability.org/essay/power_sharing).

Steininger, R. (2003). 1946: The Gruber-De Gasperi Agreement. In South Tyrol A Minority Conflict of the Twentieth Century by Niezing J. New York: Routledge.

Stojanovski, S., Marolov, D., & Ananiev, J. (2014). Macedonian Question Reframed: Politics, Identity and Culture in the Republic of Macedonia. Balkan Social Science Review, 4, 295–323.

Tribunale di Bolzano (n/a). Attestati appartenenza linguistica. Retrieved from: <http://www.tribunale.bolzano.it/it/Content/Index/13744>

TV21 (2022). If necessary, a Macedonian, Albanian or Roma - Bajrami: The political activist is rewarded with a directorship. TV 21. 09. 09.2022. Available at:<https://mk.tv21.tv/po-potreba-makedonets-albanets-ili-rom-bajrami-politichki-aktivist-se-nagraduva-so-direktorsko-mesto/>

Universal Declaration of Human Rights. (1948). Available at: [https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR\\_Translations/mkj.pdf](https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/mkj.pdf)

Decree on implementation of the procedure for employment of administrative officers, Official Gazette of the Republic of Macedonia no. 27/18.

Constitution of the Republic of Macedonia (1991), with amendments until 2019. Available at:[UstavSRNM.pdf \(sobranie.mk\)](#)

US Embassy (2021). Annual report on the situation with human rights in the Republic of North Macedonia for 2021. Available at:<https://mk.usembassy.gov/wp-content/uploads/sites/249/NORTH-MACEDONIA-2021-HUMAN-RIGHTS-REPORT-MKD-.pdf>

Government of the Republic of Macedonia (2019). National strategy for the development of a society and interculturalism 2020-2022. Available at:[https://vlada.mk/sites/default/files/dokumenti/strategii/strategija\\_ednoopshtestvo\\_29.10.2019.pdf](https://vlada.mk/sites/default/files/dokumenti/strategii/strategija_ednoopshtestvo_29.10.2019.pdf)

Woelk, J., Palermo, F. and Marko, J. (eds.) (2008). Tolerance Through Law: Self-Governance and Group Rights in South Tyrol. Leiden and Boston: Martinus Nijhoff Publishers.

Law on Administrative Officers, Official Gazette 27/14, 199/14, 48/15, 154/15, 5/16, 142/16 and 11/18 and Official Gazette 275/2019, 14/20 and 215/21. Available at:[https://www.MISA.gov.mk/sites/default/files/pbl\\_files/documents/legislation/zakon\\_za\\_administrativni\\_sluzhbenici\\_2021.pdf](https://www.MISA.gov.mk/sites/default/files/pbl_files/documents/legislation/zakon_za_administrativni_sluzhbenici_2021.pdf)

Law on the rights of communities that are less than 20% of the population in the Republic of North Macedonia, Official Gazette 08-754/1, 2020. Available at:<https://www.pravdiko.mk/wp-content/uploads/2020/03/Zakon-za-pravata-na-zaednitsite-koi-se-pomalku-od-20-od-naselenieto-vo-Republika-Severna-Macedonia-27-01-2020.pdf>

Law on the Committee for Relations between Communities, Official Gazette 150/2007. Available at:<https://www.sobranie.mk/komitet-za-odnosi-megju-zaednicite.nspk>

Law on Public Sector Employees, Official Gazette 27/14, 199/14, 27/16, 35/18 and 198/18. Cleaned version. Available at:[https://www.MISA.gov.mk/sites/default/files/pbl\\_files/documents/legislation/zakon\\_za\\_v\\_rabotenite\\_vo\\_javniot\\_sektor\\_-\\_konsolidiran\\_tekst.pdf](https://www.MISA.gov.mk/sites/default/files/pbl_files/documents/legislation/zakon_za_v_rabotenite_vo_javniot_sektor_-_konsolidiran_tekst.pdf)

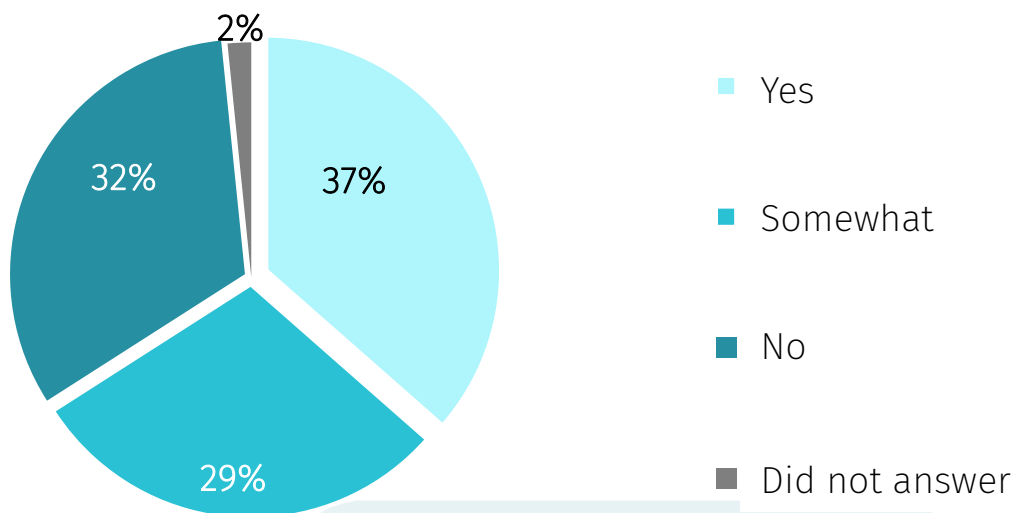
Zibery, N. (2022). In some institutions there is still no equal improvement in ethnic representation. 28 Jan. 2022. Internet Source. 365 degrees. mk. Available at:<https://www.youtube.com/watch?v=0yWGU88dJg4>

# APPENDIX 1

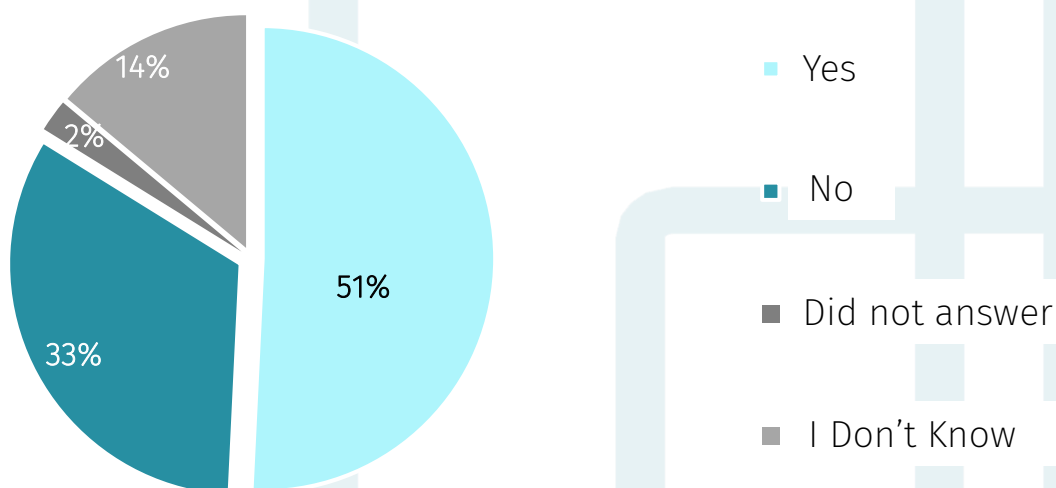
## Results of a Public Opinion Survey

- An excerpt from the results of a public opinion survey on the application of the principle of equitable and fair representation was conducted by TIM Institute-Skopje.

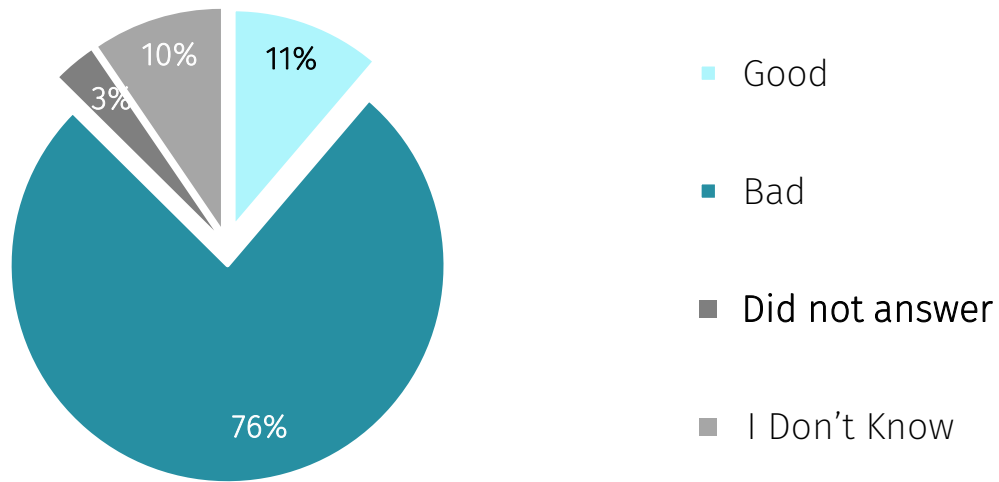
- o Do you understand the principle of fair representation?



- o Do you think that fair representation in the administration should reflect the ethnic character of the country, provided that other employment criteria such as education, experience, etc. are met?



- How do you evaluate the current employment practice according to the principle of adequate and fair recruitment in the public administration?



- Are you willing to declare yourself as a member of another ethnic community if it is a condition of employment?

