DRAWING A DISTINCTION BETWEEN THE POLITICAL AND THE ADMINISTRATIVE: PROPOSALS FOR A FUNCTIONAL AND PROFESSIONAL SENIOR CIVIL SERVICE

"A professional, high-quality, and service-oriented public administration is key to achieving economic growth, strengthening competitiveness, improving quality of life, and addressing all societal challenges." This is how the **Public Administration Reform Strategy (2023–2030)** begins, reflecting the strategic priorities and commitments undertaken by the Government of the Republic of North Macedonia to develop a modern and efficient public administration.

The selection of senior managers in the state administration is currently carried out through different procedures and criteria across numerous sectoral laws, resulting in a fragmented and inconsistent appointment model. The adoption of a new Law on Senior Civil Service has therefore been identified as a key measure which, according to the Strategy, should contribute to the establishment of a unified system of objective criteria for the selection of senior managers in public institutions. The Law should not only improve the functioning of the administration, but also serve as a foundation and a driving model for the professionalization of all employees in the public administration

In December 2025, the **Draft Law on Senior Managers** in state administration bodies was published. The adoption of such a law has been the subject of public debate for many years, and this represents the third draft law on senior managers to be publicly published on ENER. In 2019, a Draft Law **was withdrawn from parliamentary procedure**, with the explanation that further refinement was required. Several years later, in 2022, a **new draft law was published on ENER**, but it was never adopted either. Today, six years after the first attempt, the public is once again presented with a new legislative solution in which a number of problems and shortcomings are again observed.

The initiative to adopt the long-awaited legislative solution represents a positive step; however, it is disappointing as it fails to deliver a substantive reform that would establish a career-based senior civil service and, consequently, does not ensure limitations on partisanship, politicization, and unprofessional conduct in these positions. The proposed solution does not draw a clear distinction between professional and political management, lacks clear criteria regarding who conducts the selection process, and allows the Government and ministers to continue exercising discretionary powers over appointments and dismissals. This leaves the administration once again vulnerable to potential clientelism and political revanchism. Furthermore, linking the term of office of senior managers to the duration of the Government's mandate undermines all commitments to the professionalization of the administration, threatening its autonomy and leaving it dependent on, and vulnerable to, political changes.

In the new Draft Law, several problematic provisions and articles have been identified, as well as conceptual weaknesses that require particular attention:

1. Political dependence instead of institutional continuity

The draft law does not redefine the nature of the senior manager position, nor does it adjust the balance of power between the Government and this role, which would be necessary to establish an independent and professional core in public sector management. This is particularly evident in the linking of the duration of state secretaries' terms to the Government's mandate. Instead of serving as bearers of an independent, impartial, and professional administration, as well as institutional memory, state secretaries will remain dependent on officials whose terms are conditioned by political changes. Such a solution does not contribute to the stability, autonomy, or professionalism of institutions with each change of government.

Furthermore, other senior managers are assigned a four-year term, which may be set by a separate law within a range of two to five years. Although, unlike state secretaries, the terms of these senior managers are not formally linked to the Government's mandate, the chosen duration effectively corresponds to the Government's term. Therefore, this approach needs to be reconsidered. In its current form, the solution will not overcome the problem of past practice, where each change of government is followed by the replacement of government bodies, independent bodies of the state administration, and funds.

2. Selective scope of institutions, once again creating a fragmented system

The proposed solution does not take into account the complexity of the state's institutional structure, meaning the different forms and statuses of state institutions, and accordingly does not provide for tailored procedures. As a result, the draft law is limited exclusively to bodies within the executive branch and proposes procedures appropriate only for this type of entity. If the intention is to establish a horizontal concept of senior managers, it remains unclear why the draft law does not include multiple procedures aligned with the institutional status of the bodies, including procedures applicable to regulatory and independent state bodies established by the Parliament (e.g., DZR, DKSK, DIC, etc.), as well as institutions established by local self-government units.

Furthermore, even within the executive branch, not all relevant institutions are covered. It is unclear why the Ministry of Internal Affairs is excluded from the scope, unlike other institutions with responsibilities in the field of security. Similarly, the Government's General Secretary is excluded from the proposed framework. This incomplete and selective coverage creates the risk of a non-unified system and leaves a significant portion of the public sector without clear, transparent, and merit-based criteria for the selection of senior managers.

3. The Government Selection Committee without legal guarantees for independence and expertise

Previous draft solutions from 2019 and 2022 proposed the establishment of a Senior Civil Service Commission, either as an independent state body or as a permanent working body within the Government, with its composition, qualifications, and mandate clearly defined directly in the Law. In contrast, the new legislative proposal fragments the responsibility for selection between two types of committees: one committee established through the Government's Rules of Procedure for appointments made by the Government, and ad hoc committees within the bodies where appointments are made by a minister or a governing board.

Although the composition of the ad hoc committees is regulated in the draft law, the composition and criteria for the Government Selection Committee remain regulated exclusively through the Government's Rules of Procedure. This indicates that there is no substantive innovation in the procedure compared to the current legal framework and practice. Considering that the Rules of Procedure are a sub-legal act, which does not establish sufficiently precise rules for the composition and functioning of the Appointment Committee, and that the draft law does not further regulate this aspect, the solution fails to provide adequate guarantees for independence, expertise, transparency, or protection from political influence, nor does it introduce any significant innovation.

4. Acting appointments as a systemic tool to circumvent the rules

The position of acting appointee is already partially limited under the existing, segmented legal framework. Therefore, the misuse of this institution does not stem from a legal gap, but from the failure to comply with the existing restrictions. A positive aspect of the proposed legislative solution is the requirement that an acting appointee be selected from within the institution where the need for the appointment has arisen, as well as the limitation that the same person may be appointed as acting appointee only once for the same position. However, the limited scope of this solution as a horizontal law leaves room for this institution to continue being misused according to past practice, particularly by bodies and institutions whose senior positions are not covered by the proposed law.

5. The entire selection and appointment process is concentrated within the executive branch, with no elements of independent or external oversight.

Under the 2019 and 2022 draft proposals, independent and external actors had the opportunity to participate in the selection of members of the Senior Civil Service Commission (representatives of the opposition, the academic community, chambers of commerce, DKSK, and the Government's Council for Cooperation with the Civil Sector). Under the new legislative proposal, the entire selection process is concentrated exclusively within the executive branch, with no element of independent or external oversight or participation in the procedure.

6. Insufficient transparency in the publication of vacancies

The Law on Administrative Officers requires that job vacancies, in addition to being published on the website of the Administration Agency, also be published in at least three daily newspapers. It is therefore unclear why, for key positions in the state administration, the drafter proposes publication exclusively on the websites of the institutions announcing the vacancies, without including daily newspapers and, in best case, the Official Gazette.

7. Again, extensive discretion in the final decision on the selection of a senior manager

An additional risk is that neither the Government, the responsible minister, nor the governing board is obliged to select the highest-ranked candidate, making the entire process susceptible to political influence and clientelism. Furthermore, while the Government committee is required to submit a list of the five highest-ranked candidates from which the Government makes the final selection, no such obligation exists for appointments made by a minister or governing board, creating wide scope for politically motivated appointments.

8. The right not to select as a mechanism for abuse

Articles 25 and 33 provide the Government, or the responsible minister or governing board, with the possibility to decide not to select a candidate and to repeat the procedure if "the quality of none of the candidates is satisfactory." Considering that the Government, under Article 35, regulates the entire selection and ranking procedure, this provision for non-selection can be interpreted arbitrarily and may allow the procedure to be repeated until a candidate who is politically and party-aligned is found.

9. Risk of political retaliation in the evaluation of a manager's performance

Article 43 allows for dismissal on the grounds of "poor performance" or "undermining the institution's reputation," without clearly defined and measurable indicators. These broad and subjective criteria, combined with the fact that evaluations are conducted exclusively by the executive branch, create a serious risk that they may be used to punish disloyal or independent managers or to exert political pressure on the administration, which is entirely counterproductive to the spirit of the law.

The Draft Law on Senior Managers, although a key measure in the Public Administration Reform Strategy (2023–2030), does not establish a substantive reform of the senior civil service. Instead of creating an autonomous and merit-based management system, the proposal perpetuates existing power relations and leaves wide room for political discretion and influence.

The selective coverage of institutions, the linking of terms of office to the Government's mandate, the absence of independent selection mechanisms, and the broad discretion in appointments and dismissals undermine the goal of professionalization and institutional continuity, risking the legitimization of the current practice of political influence and clientelism.

Therefore, substantive interventions by the Parliament are necessary to establish a clear, unified, and merit-based senior civil service system that is resistant to political influence and serves to strengthen trust in public institutions.

This public policy document is part of the project "**Promoting the Debate on Accountability and AntiCorruption**", which aims to contribute to the reform processes in North Macedonia by strengthening the role of the Assembly in the fight against corruption and in establishing reforms in the rule of law. In doing so, it facilitates dialogue between political parties and youth, as well as between parliamentarians and civil society. The project is supported by the National Endowment for Democracy.