

Public Policy Framework

EFFICIENT PARLIAMENT, STRONG DEMOCRACY: A Vision for Improving the Checks and Balances System in the Republic of Macedonia

By

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1. Vision

Establishing a functional mechanism of checks and balances in the Parliament of the Republic of Macedonia for the purpose of moderating extreme positions. This will encourage creation of policies in the interest of all citizens. This will position the Parliament as a strong foundation of the democratic processes, independent of the executive government.

Goals and results:

- Extending Amendment X of the Constitution of the Republic of Macedonia with an opportunity for 10% of MPs to be able to call for a referendum on legal changes adopted by the parliamentary majority. This would prevent the “tyranny of the majority”;
- Changing the electoral model to a proportional model with a single electoral district and open lists;
- Simplifying the procedure for establishing political parties and registration of citizens’ list;
- Amending the Law on Political Parties as to explicitly request introduction of internal democracy in the election of party leadership and candidates for public office;
- Increasing the efficiency in using existing mechanism for parliamentary oversight of the work of the government.

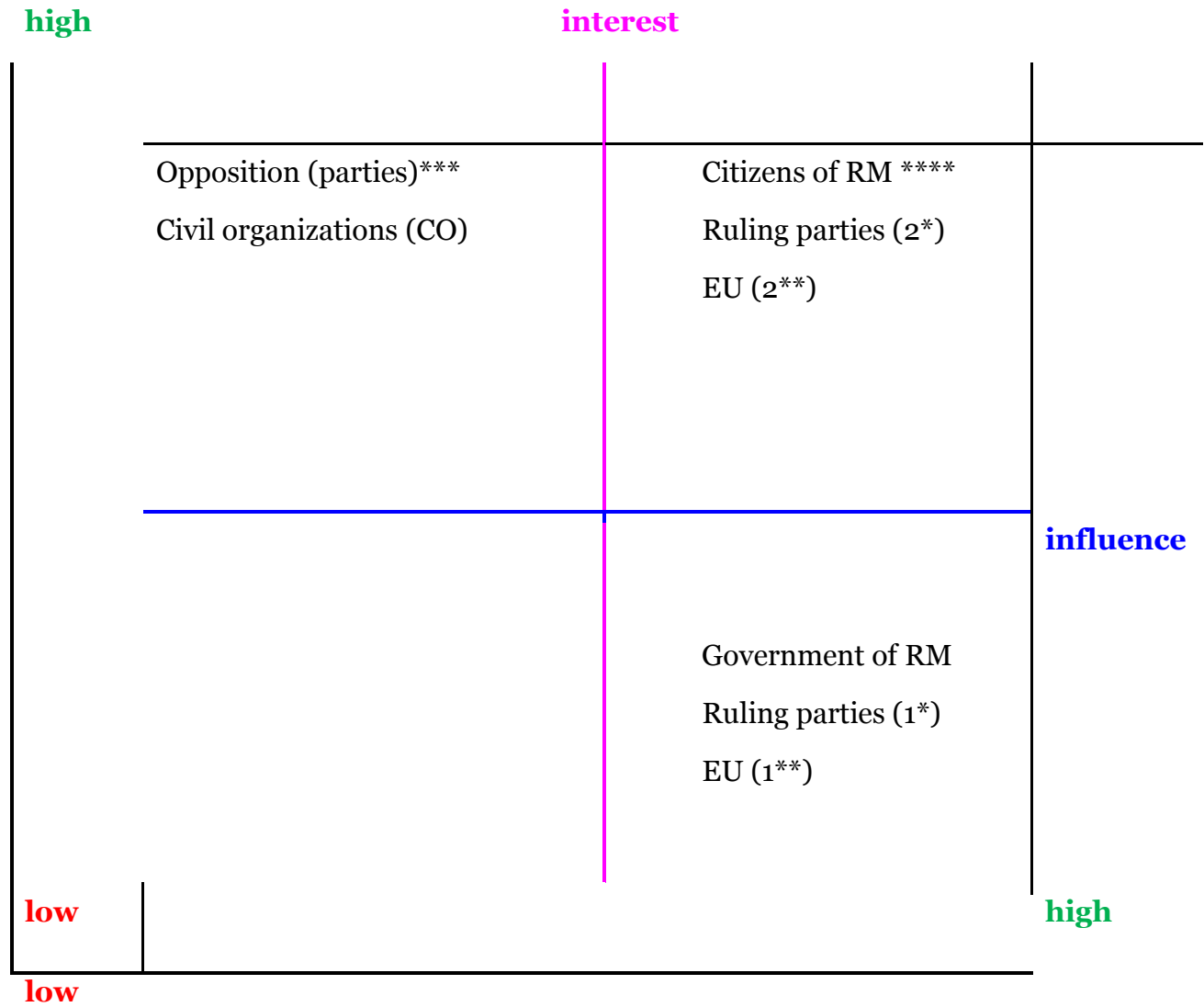
2. Analysis:

- According to number of studies the Republic of Macedonia has been facing the problem of systemic corruption – state capture.
- According to some very relevant global institutions RM is no longer election democracy but a hybrid regime (competitive authoritarianism). There exists a high degree of government control over the economy, the media and the judiciary, and there is a lack of clear division between the ruling party and the institutions.
- The parliament has been facing an on-going crisis since the very onset of the new mandate in 2014, and has not been able to represent all citizens who had voted for the opposition in the processes of decision making. The escalation of the

political crises following the disclosure of wiretapped materials resulted in the signing of the Przino Agreement.

- A positive example is the “**Badinter Majority**”, which is activated and implemented according to Article 78 of the OFA. This mechanism so far has contributed to reduction of ethnic tensions by moderation and increase of the trust among communities. This experience could be strengthened towards moderation between extreme positions of the parliamentary opposition and government.
- Through the D’Hont method of a proportional system with closed lists with six election districts in the Republic of Macedonia, large parties and coalitions are favoured to the disadvantage of the smaller ones. The possibilities for discord within the parliamentary groups and potential compromise beyond party interest are minimized. MPs are accountable to the party, not directly to the voters.
- Within the parties power is concentrated in the leadership, therefore, any disloyalty to ‘party positions’ is punished. Election and re-election of MPs depends on being granted support by the leadership, not by the base. In such conditions, possibilities for insubordination and compromise in the interest of the citizens are minimal. On the other hand, existing mechanisms of checks and balances at the Parliament are in essence inapplicable, if MPs are accountable to the party leadership rather than to their constituencies.
- Existing mechanisms of political control are not working. This has been noted in the EU reports and in the recommendations of the Reinhardt Priebe Report. On the other hand, there is a lack of essential democratic dialogue in the Parliament. This situation is a result of the weak democratization of political parties and it contributes to MPs acting in the Parliament on behalf of internal party decisions rather than on behalf of the needs and demands by citizens whom they represent, nor they are driven by their own positions and moral judgment.
- In the past five years, the opposition left the Parliament several times. When the opposition was boycotting the Parliament, legislation was largely adopted within a shortened procedure (54% in 2014 and 71% in 2015 prior to the opposition returning to the Parliament).
- Citizens have assessed the process of voting for legislation in the Parliament as ‘sufficient’ – giving it 2.4 (from 1 to 5);

Mapping the key affected parties



* **Ruling parties**, in the short term (1) have no interest for these changes. This is because their current positioning allows them to carry out their policies *while they are in power*. However, they have a mid-term and long term interest (2), because by going into opposition in the future, the existing situation will reduce their influence over the political processes. Therefore we consider it to be rational for ruling parties to be described as having high influence and high interest (2) under the assumption that they have rational leadership.

** **EU** in the short term (1) has no interest for the change. However, the current state of having an unbridled government by the ruling majority generates political instability. We consider that the EU's mid-term and long term interest is the stability in the country

and the region, therefore we assume that policymakers in the EU have a long term vision for the region, so we categorise them in the group of actors with high influence and *high interest*.

*** The **opposition** in the short term has no influence, however, due to the possibility of coming into power and change of this situation, it is a susceptible actor for agreement with the government.

**** **Citizens** as voters have the largest interest and influence over the government and the opposition regarding this change.

PESTLE Analysis

Political factors – Deepening of the political crisis (failure to solve the political crisis) could have long-term impact on the checks and balances system. On the other hand, by solving this political crisis, basic conditions will be allowed for democratic mechanisms to start working and for the checks and balances system to get strengthened.

Economic factors – The trend of borrowing/debt could reduce economic capabilities of the Parliament as well, in terms of accepting and implementing proposed policies (for e.g. to prevent calls for referendum by 1/3 of the parliamentary minority).

Social factors – Economic inequality and the large percentage of unemployment intensify clientelism and vote buying, essentially preventing democracy.

Technological factors – Emerging new technologies allow for democratization of the public sphere and indirect influence over political processes and decision making.

Legal factors – Proposed policies could be affected by the state of the judiciary and respecting the Constitution as the widest possible framework to guarantee democracy in the Republic of Macedonia.

Environmental factors – The existing system of six election regions prevents the influence of small political parties that advocate for environmental protection

3. Looking forward

Scenarios and risks

Desired scenario:

Voting mechanisms: Here we propose changing Amendment X of the Constitution of the Republic of Macedonia. The new proposed amendment would allow for an opportunity of the parliamentary minority to adopt by 1/3 votes a referendum on the adopted disputable legal decisions. This would be valid for clearly defined areas. Hence the parliamentary opposition would not have a right to veto (provided for in Amendment X of the Constitution for the minority ethnic communities) and therefore would not be in a position to block the work of the Parliament.

Election model: The system of **open lists** allows voters, in addition to voting for a candidates list, i.e. party/coalition, to also vote for one or more candidates from the candidates list (preferential voting) and thus impact the final election outcome. The larger the number of preferential votes voters have, the larger the opportunity to impact election of candidates, as well as the competition among candidates to win votes of the electorate. Adopting this kind of election model would imply adopting a **single election district** covering the whole territory of the Republic of Macedonia

Intra-party democracy: Here we consider it necessary to amend the Law on Political Parties by adding an explicit request for introduction of internal party democracy in the election of candidates for public office, as well as in the election of party bodies by the membership.

Mechanisms for control of executive government in the Parliament should be functional: In order to improve the impression on its work, the Parliament should allow for mechanisms of involving the public and the citizens to function better. The Parliament should do this by properly informing and educating citizens on possibilities for them to get involved in public discussions and debates, as well as to initiate oversight debates. The Parliament should provide sufficient time for involvement of parties interested in these processes.

With regard to control of budgetary planning, it is necessary to involve the Parliament in other stages of the budget process, such as in the budget programming stages. Regarding budget spending, the Parliament should have information about to unpaid claims and outstanding liabilities.

Regarding control of state security bodies, it is primarily necessary for the government and the MPs to clearly demonstrate political will for the control mechanism to become functional.

Risks:

Influence		financial	political
		administrative	communicational
probability			

Political risk – high degree of influence and probability: Lack of will of large political parties to change the election model to their disadvantage. Practice so far has demonstrated that the Parliament fails to use existing mechanisms for control of the executive government.

Financial risk – high degree of influence and medium degree of probability. Proposed changes are expensive and this could result in resistance to their implementation.

Communicational risk - high degree of probability due to the chronic lack of political dialog between the government and the opposition. Yet, there is medium degree of influence.

Administrative risk – medium degree of probability and influence. The politicized administration is the main source of risk in implementing proposed policies.

4. Influence

Most influential actors for achieving desired changes are the parliamentary majority and the representatives of the international community (EU and USA). It is of key importance to establish a political dialogue between the government and the opposition by having a consensus on long term stability and essential strengthening of the democratic capacities and processes in the society.

5. Making a change: how to ensure that proposed public policies are functional?

Influence over decision makers will be exercised by means of detailed policy analysis with recommendations on legislative steps. Good practice will be included in these analyses. Research outcomes will be a part of the advocacy process of the relevant stakeholders.

6. Evaluation and learning: How does success look like? How can we use lessons learnt?

The proposed amendment introducing changes in the voting mechanism, would allow for the parliamentary minority to vote by 1/3 for adopting a referendum on adopted disputable legal decisions. This would be valid for clearly defined areas. Hence the parliamentary opposition would not have a right to veto (provided for in Amendment X of the Constitution for the minority ethnic communities) and therefore would not be in a position to block the work of the Parliament. Yet, on the other hand, it would allow for the key mechanism of checks and balances for moderation of issues that are causing deep divisions in society, and not only on ethnic lines. This change involves financial implications that could emerge as risk to the weak economic situation of the country.

The advantage of the election model (Change of the rules for establishing political parties, simplifying the procedure for citizens' lists, open lists, a single election district) we are proposing is reflected in the shift of responsibility from the party to the individual, i.e. personal responsibility. In addition, voters are provided with an extended choice. Candidates elected in this way have more motivation to be active in meeting the promises, but also to have larger sensitivity regarding needs and demands of the electorate. Individual election of candidates also increases the feeling of responsibility of politicians towards the citizens, rather than to the party leadership. This model could have a weakness regarding the unguaranteed percentage of female MPs.

The proposed changes (to improve intra-party democracy, to amend the Law on Political Parties) would contribute to extending the political choice for citizens, but also to a greater autonomy of elected representatives in their activities at the Parliament. This will indirectly strengthen the existing mechanisms for checks and balances (parliamentary motions, interpellations, inquiry commissions, etc.). These processes are long and slow.