

The dynamics of reforms development in Macedonia and its approach towards European Union

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1. Introduction

Democracy is a form of governing of today's modern state, while democratization is a process of regime change from authoritarian or totalitarian to establishment of liberal democracy. As a political phenomenon it is a transformation that lasts long period of time. Democratic consolidation is longer than the democratic transition and it can last several decades by encompassing the cultivation of democratic values for the elite and the wider population, as well as the legitimating and fully institutionalizing the new democracy.⁴⁶ The process ends with the competition of this consolidation. The democracy in Macedonia is young, unformed and non-stabilized; therefore it is still fragile and unsustainable.

2. The political situation

The criteria for EU membership for the candidate states is liberal democracy which means that EU accepts those states that exercise universal and objective criteria in their internal and international politics. The Copenhagen criteria⁴⁷ demand from candidate states to ensure the guarantee of democracy through institutional stability and the rule of law. How does the current political

⁴⁶ See more , Klod Lëfor: Demokracia dhe totalitarizmi, Tiranë 1993, fq.3-23.

⁴⁷ In 1993, European Council of Copenhagen determined the criteria and requirements for membership such as :Political Criteria (Stabile institutions guaranteeing democracy , rule of law , human rights, and protection of minorities); Economic criteria (the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union); Legal criteria (The ability of the state to implement *acquis communautaire*, or national legislation compatible with EU). Blerim Reka/Ylber Sela: Hyrje në të drejtën e Unionit Evropian, Tetovë 2007, fq 45.

situation look opposite these criteria? Political democratization moves on very slowly as it is stated in the EC progress report 2007

“The reforms in Macedonia during the last 12 months have been very limited. Except the progress in specific areas especially in the economic development and the fight against corruption, a lot of recommendations haven’t been implemented as they should have been”⁴⁸.

The responsible for this is mainly the political climate which continues to be characterized with political conflicts and crisis between opposition and governing block, the conflict between the president of the state and the Prime minister, and the non-implementation of Ohrid Agreement .⁴⁹

3. Public Administration

The bureaucracy of the administration in Macedonia continues to keep the Byzantine nature by not being able to change into a Weber’s bureaucracy and stays even more distant from the New Public Management of the public administration. The last report of the European Commission emphasizes that “problems that are still ongoing such as the corruption, political interference, the chronic deficit of human resources , the short term nominations and insufficient law enforcement within the public administration , continue to put on risk the consolidation of a professional and independent civil “⁵⁰. The civil service is inefficient has a deficit of administration culture. Means and infrastructure are limited. However, the main problem lies in the human recourses. Civil servants are not capable and professionally prepared and they are constantly under threat of short term nominations. “Political Burocrats“ are ruling over the model idea-typical for rational Weber’s administrators. Even after fifteen years of democracy the majority of nominations in administration are made on political and not on basis of professional qualifications. ⁵¹ Many high officials in central institutions have little adequate

⁴⁸ http://ec.europa.eu/enlargement/pdf/key_documents/nov/fyrom_progress_reports_en.pdf (European Commission 2007).

⁴⁹ See more,Ulrich Kleppmann: Mazedonien im Oktober 2007. In: KAS, Ausgabe 24, November 2007, pg.1-4.

⁵⁰ http://ec.europa.eu/enlargement/pdf/key_documents/nov/fyrom_progress_reports_en.pdf (European Commission 2007).

⁵¹ Arsim Bajrami: Demokracia parlamentare, Prishtinë 2005, pg. 58.

experience. The criteria for nomination are the nepotism, bribes and political militarization and not the meritocracy or carrier development. These criteria play a determining role not only in nomination but also in the career promotion of civil servants, especially those on key positions. The political connection and loyalty of candidates are the criteria of nomination, damaging the individuals who are much more qualified both technically and professionally "Merits and competence" are „aliens concepts “,while the political criteria rule over the objectivity. This has a negative impact on stability and efficiency of public administration. Civil service has a tendency to take „the ideological color“ of „pardons “ especially during periods when one party governs for a longer period. Therefore, the improvement and the implementation of the recommendations well connected to nominations, transfer or dismissal of civil servants, as well as the stability of employment, are the most important short term priorities of European partnership with Macedonia

As a conclusion, the public administration in Macedonia in the majority of cases is inefficient in its role for formulating and implementing the governing policies and furthermore it is not in a position to ensure accurate implementation of instruments for needed reforms. EU has clearly send the message that there will not be finalization of date for a start of membership negotiations until there is convincement that administration capacities are ready for reforms implementation.

4. Local government

Regarding the local governmental reform, the process of decentralization has continued slowly but constantly and more competences have been handed over to the local authorities . However, the power remains unfocused centrally and the implementation of decentralization remains a challenge mainly due to inefficient personnel and the lack of necessary financial sources especially in the municipalities led by the Albanians.

5. The legal state

The state establishes the regulations for population's behavior through legal norms. The legal norms are written regulations and codes of conduct which are determined and protected by the state. The complete legal norms present the judicial system based on what the rule of law is ensured. The concept of the legal state is pretty multifaceted and multidimensional. It encompasses the complete judicial – political principles which ensure the rule of law in the society. The rule of law respectively the rule of justice means superiority of law towards the state itself as its authors.⁵²

The function of the law is one of the basic principles of EU, necessary for democratic stability and immanent precondition for the improvement of the social economical situation. EU states that “The respect and law enforcement remains deficient mainly due to the consequence of weak institutions of law enforcement, limited administrative capacities and high level of corruption and organized crime“.

The mentality of the population of Macedonia is that the law and its implementation are negotiable issues and not obligatory. If Macedonia once to realize its dream for European integration the legal state should rule with more than a concept and that no man cannot stand above the law. The legal state should strengthen and be executed in the way for all its citizens regardless of their ethnicity. Legal state presents the tool for combating organized crime and corruption as well as a tool for functional judicial system.

6. Judicial System

The judicial system in Macedonia remains weak regardless of the undertaken improvement measures, the professional capacity of judges, prosecutors, judicial police and the administrative staff remains limited.

The infrastructure and means are insufficient. The general performance of judiciary remains. The judicial system which should play the most important role against corruption and organized crime is weak and ineffective. Its

⁵² Arsim Bajrami: Demokracia parlamentare, Prishtinë 2005, fq. 52.

personnel is low paid, untrained and in a considerable level corrupted. The incapability of police, prosecutors and judges for realization of prosecution, arrest and punishment of low violence and criminals and especially members of organized crime damages harshly the democracy in the country and the rule of law. The disrespect of law and the freedom for organized crime, gains from the pure governing and the failure of justice to act with high efficiency presents a threat not only the public order but also to economic perspective, economic and political stability of the country.

Police is ineffectual, unqualified and unequipped for fulfillment of its task and mainly the area of combating ordinary and organized crime. Low wages are often the reason for police involvement in smuggling, taking bribes, or even worse collaborating with organized crime. The challenge stands in the enhancement of capacities and the improvement of the function of justice, independence of judicial system from politics and organized crime, and prosecution of heavy crime. The cooperation among all institutions continues to be in a need for fundamental improvement.

7. Clientisation

The clientisation refers to the use of state resources of different kinds in order to profit personal electoral support. It is a certain way of management with connection in the government and manipulation of state institution in the interest of the persons in power by creating a system of informal connections of personal relations based on exchanges of favors. Clientisation is encouraged by the special economic political and social circumstances such as poverty, unemployment, democratically weak state institutions as well as distrust and doubt which contribute the collective action to seem difficult. Clientisation is connected with the phenomenon of this „partyocracy“.⁵³

⁵³ „Rule of parties“ for their own interest neglecting the common societal interests.

By usurpation of a wide range of public institutions, the parties, especially those in government, are able to block a good part of public recourses and to use them for exchange of favors. In a weak state which allows considerable displacement among the parties' personnel in one hand, and groups of interest and administrative positions in the other, it becomes difficult to put clear boundaries between these communities and to understand the capacity of action of the individuals. In this way, the elected politicians control the main resources, public tenders, approval or withdrawal of business license. Such distribution of sources is an important tool for use of electorate. The politicians request to manage the public resources since this is a safe way of keeping the power. Another aspect to this is the ability of employment and nomination of militants and party members especially in public institutions.

8. Corruption

Corruption refers to the arbitrary exercise of the government as well as to the material profit and services that are not sanctioned by the law. The high level of corruption and other forms of abuse of power can slow down and to have serious impact over the democratization process. Corruption as a contemporary contagious disease harms fragile "organisms" of countries in transition as a consequence of more factors such as: economic changes ,privatization, weakens responsibility, lack of democratic tradition and lack of an efficient system of reciprocal control on the line : state-politics-civil society⁵⁴. The politicians need to gain access in positions which allow them to influence public decisions. The abuse of position and state also effect the nominations for public positions, exchange and share of bribes from tenders and other illegal profits. In Macedonia⁵⁵, the bribing is much expanded especially in public service, in health services and in education.⁵⁶ The practice

⁵⁴ See more, Jeton Shasivari , Korupsioni I personave zyrtarë si kërcënim serioz për shtetin e së drejtës në Maqedoni.

⁵⁵According to surveys realised in 2002 by the Institute for sociological, legal and political research based in Skopje, around 60% of surveyed consider that the state is corrupted and that the most corrupted are the Ministries . ("Kapital", 21.03.2002, Skopje).

⁵⁶ According to Brima Galup about Corruption for 2004 organized by Transparency International Berlini,in Macedonia the level of corruption is extremely high and the highest is

of corruption has institutionalized and high governmental officials consider their posts a path to become rich. What is worse corruption has become a fact, a moral norm, a something for which there is no need to be ashamed. The attitude of people towards the behavior and corruptive practice is so while everyone especially governmental and politicians do it, why not the ordinary people as well by considering this as a normal practice. Even though corruptive cases are on daily basis the stories of the media, the corrupted individuals are neither prosecuted nor interrogated. Until today nobody has been sanctioned for corruption, therefore „why not to risk “officials and high politicians are so reluctant to hide their corruption affairs. Corruption affects negatively the internal business. The system has become so much sophisticated so that businessmen have no success in their activities unless they bribe. Public tenders go to those that pay more and not to the best which presents „a mechanism of hell “. A massive network of „connections of reciprocal profit“ have been created among political parties and powerful economic groups of politicians and businessmen of high ranks. Corruption is also well connected with organized crime. This happens due to the need for financing. Another reason that makes corruption difficult to fight in Macedonia is the weak judicial system which is depended and corrupted. As such, it can not act as a problem solving body. A weak judicial system is also a result of a weak state which means that „problematic“ judges and prosecutors without any support from the state can easily become targets of threats or in worse cases to be assassinated by criminals. According to Transparency International latest report Macedonia has improved in the list of corrupted states from Position 104 to 84 and this is a result and a merit of the governmental campaign Zero Corruption.⁵⁷

9. Elections

in the following institutions: courts, police, customs, health and education. (“Maqedonia me shkallë ekstreme të lartë të korrupsionit”, Koha Ditore (editorial for Macedonia), dt. 11.12.2004).

⁵⁷ Die International Financial Corporation, 27 September 2007

Electoral system presents one of the most important constitutional and political subsystems of a country. The creation of electoral system presents one of the most important state and institutional decision.⁵⁸ Elections are a key political moment which in accordance with time, venue, subjects phases and other characteristics is so complexed that it is impossible to encompass all in one complete electoral system, which has operationalised manner for the voters to express their preference for a party or candidate by voting. Also elections are basic and certain indicators for the inclusion of citizens in the political life.⁵⁹

The electoral system in Macedonia is implemented in agreement with principles that are on hand within all pluralistic political systems. Therefore the constitution specifies the political pluralism as a basic principle of constitutional order of Macedonia.⁶⁰

In the Republic of Macedonia since 1990 , when we talk about the electoral system, in this context, local elections, presidential and parliamnetary elections and as its continuation the establishment of the government, we face 2 important phenomena : the respect of electoral code which underwent positive amandaments ; and the political practice regarding the governmental composition since neither the constitution nor any special law prescribes the obligatory participation of the Albanians , but yet Albanian political parties have been participating in every government. The preferred electoral system is that one whose results are acceptable for the whole political spectrum in the country⁶¹. In the Republic of Macedonia exist two very contradictory electoral realities which need a solution and they are: presidential elections and the form of establishment of the government.

⁵⁸ See more: Savo Klimovski/Vladimir Mitkov/Renata Treneska/Tanja Karakamisheva: Rregullimi Kushtetues i Republikës së Maqedonisë. Shkup 2004, fq.191-201

⁵⁹ Zgjedhjet lokale 2005, Skopje 2005, pg.22

⁶⁰See more: Osman Kadriu: Rregullimi kushtetues i Maqedonisë, Shkup 2006, fq.226

⁶¹ The political system in Macedonia, at least since 2001, has withdrawn from the project of strong national state. On the first view it gives the impression it has accepted the model of a multinational country and values under which it can enhance and remain strong. See more: Sadri Rambaja, Federalizimi i Maqedonisë?. In: www.lajmet.com, 09.08.2006

As for the first case, rules a strong conviction that the president of state is elected by the Albanians' will manifested with their vote and as for the second case the conviction is that the Albanian participant in the government is selected by the Macedonian party that has won considerable number of seats with a possibility of creation of parliamentary majority, which has now become a reality during the establishment of pluralistic democratic governments. A logical interpretation would say that this situation persuades interethnic cooperation; however, this form of regulation continuously generates dissatisfaction by creating two sides of the medal. Instead of creating interethnic cooperation, in reality it creates unacceptable situations by a considerable political spectrum in both, election of president of state and creation of parliamentary majority. This generates continuous institutional crisis and dysfunctional institutions. In the segment of presidential elections we face the bitter practice of refusal of election results by relevant and essential political subjects in the country. A concrete case was the election of the now deceased former president Boris Trajkovski. At this time the Democratic Party of Albanians gave its maximal contribution to help its coalition partner, however, the elected president remained contested during all times by the Union of Social Democrats. In the other case of 2004 presidential elections, the Democratic Union for Integration gave its maximal help the coalition partner and candidate Branko Crvenkovski, even though he was elected, he is continuously contested by VMRO-DPMNE and DPA by characterizing him as illegitimate president⁶².

The situation created along with the creation of the government, in the last elections, when the current Prime minister took its traditional partner DPA, faced huge reaction by DUI which called the government as an illegitimate. The above mentioned situations create institutions which are unacceptable for all, therefore there is a need to find other alternative solutions for solving such situations. The Democratic Union for Integration during its mandate had the opportunity and the institutional capacities to regulate this issue. Now, the next solution to be found will depend on the political will of the participating parties in the government, especially from DPA.

10. The media

⁶² See more: Fakti, 09.08.2006, fq. 14.

The freedom of speech and media, in general, is not respected in Macedonia, especially lately the government has interfered several media houses in order to influence their way of reporting, which presents a threat to the independence and objectivity of the media. The politicians use (and abuse) media for their own political aims. Nowadays it seems impossible to be in power without the support of the media. On the other hand, the heads of the medias are using their positions to expand their political believe in order to reach their aim and to use the politicians for their aims or of their corporations. The private media often are not seen as business enterprises but only as means to reach economic or political power. For example, the press says Macedonia is not challenged by the market laws. The advertisers do not buy advertising space based on the number of editions or on the impact, but in accordance to the media's relation with the influential politicians or businessman.

Those companies whose president or directot have conetctions to ruling parties, the political marketing will be in favor of the government. Such advertisement artificially keep alive some publications which otherwise would have not survived by their own. In this way, very often a media owner personalizes a combination of media, economic and political capital.

One of ht most powerful Macedonian businessman, Ljubisav Ivanov, is the owner of Sitel television. Officially, the owner is RIK SILEKS, accompany where Ivanov is the owner of majority of shares, president and general manager. The same company has established 11 other companies which operate in different fields such as mines, agriculture as well as trade and finances fields. The example of the former minister of finances who is an owner of another big local television station called Kanal 5 also shows the close connection between the media and politics.⁶³ The have been continuous complaints about high officials who are exercising financial and fiscal pressures through tax offices and inspections in order to censure newspapers' publishers especially those belonging to Albanians. Such actions ignore the basic rights and freedom of speech and opinion and they present direct violation of democracy.

⁶³ See more, Ilda Londo: *Pronësia e medias dhe ndikimi i saj në pluralizmin dhe pavarësine e medias*. Instituti shqiptar i medias, Tirana, 2007, pg 8 -37

The legislation should foresee mechanisms that guarantee editorial independence. These mechanisms should be worked put on the level of individual Medias or companies and they should define clearly the position of the owner from the chief editor. The state should undertake active politics in this field in order to support contents which otherwise will not be able to “survive” in the media market. The support from the state should be given upon bases and criteria which are clearly defined. In particular, this prevents the situation where the state uses the opportunity to put pressure to those who criticize the government.

11. Harmonization with EU legislation

A very important EU requirement is the incorporation of the acquie communitarian in the national legislation and its effective implementation and that is the enhancement of implementing capacities though administrative and legal structures. As for this issue, Macedonia has two challenges in front: first, to ensure the harmonization of legislation with EU and second, to execute them successfully. The structures in Macedonia are still not in that needed level for achieving the aim of harmonizing the legislation with EU and with the acquie.

12. The economic situation

Official reports confirm that Macedonia has made important progress in the economic stability and its macro economic system (in context of IMN programme). The inflation and budgetary deficit have reached comparative level with EU. However, the base for product growth has not been ensured. The budget is dependant from foreign investments; the private sector is weak and the foreign investments level is low.⁶⁴ Market institutions are not

⁶⁴See more, „Beitrittskandidat Mazedonien“, In: Euro Info Center, Nr. 11/2005, aktualisiert Dezember 2007, pg. 7-8

stabilized, they are dysfunctional and corrupted. The low function of market mechanisms has enabled a free private economy (similar to anarchy) which seems to be far away from a functional market economy.

13. The future and perspectives

The development and the integration of the country should happen with free elections, fight against corruption and organized crime, security of borders and legal state, free market, functional democracy, respect and ethnic equity. The slow and contradictory developments of the last years in the abovementioned fields and the installation of corruption system, tolerance to crime and its connection to politics, the lack of free elections have presented the obstacle and the main reason for decent of integration process into Euro Atlantic structures. Every ministry and institution should build up work, to report with measurable indicators and should be entirely responsible for every progress or delay in the implementation of reforms for European integration. The government shall undertake all organizational measures for effective and efficient coordination and monitoring of all other institutional activities. In every institution the specialized units for coordination and monitoring of integration reforms should function effectively. The whole process of integration should be transparent and the government should welcome opposition's contribution, the contribution of the Constitutional institutions and all other ones belonging to the independent state such as civil society, business community, media and every citizen. Governmental institutions should welcome the evaluation reports and recommendations of EU institutions by reflecting serious approach over the remarks and suggestions, and should work on their implementation. Governmental institutions should also use the accumulated experience of other new EU members or of those who are in the process of integration. Te integration in EU is a huge effort which requires joint work of all institutions, all political powers as well as civil society. The EU charter is clear-realization of integration reforms which will alter on change all aspects of political, economic and social life. This is a truth, a valuable aim and a difficult challenge that has no way back...!

14. Conclusion

As we can see, the political and socio-economic situation in Macedonia is far away from one of a country with aspiration of EU membership. Macedonia remains distant from fulfilling the criteria especially those related to political democratization. This politico-economic immaturity is blocking the road towards future membership. The content and results of reforms in the transitional decade have been more a “talk-shop” and destructive. They are characterized as “zero sum game”, where every achievement is declared as a win of the party in power and not as a value for the country. The goal for integration and membership has been used as catalyst for helping resolving the internal problems.

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