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THE PARLIAMENT OF THE REPUBLIC OF MACEDONIA – “HOUSE” OR “CEMETERY” OF DEMOCRACY?!

1. Introduction

In practice, the role and position of the political institutions depend on the legal framework of their competencies, as well as on many distinct characteristics of the holders of these institutions and their relations. The “misbalance” between constitutional norms and real role in the political system is especially visible in the analysis of the position of the parliaments in contemporary democracies. The obvious trend of executive domination over the present Parliament in the reality of the political system shows that the constitutional norms are only a framework for the legislative-executive relations and that most of the constitutional competences of the Parliament are formal.

Parliaments have several functions: legislative, financial, deliberative, critical, informative and representative.¹ These functions can be summarized in three groups: representation, oversight and legislation. Nevertheless, the importance of the parliaments is in what parliamentary representatives mean, not what they do.²

2. Competencies of the Parliament of the Republic of Macedonia

2.1. Representation

The Constitution of the Republic of Macedonia defines the Parliament as representative body and holder of legislative power. All over the world, the parliaments are symbols of people's representation in politics and they ensure mobilization of citizens' support for a certain government.³ They represent the differences in the society and, in addition, they are the most transparent and accessible of the three branches of government.⁴ Parliament is “nerve ending” of the polity.⁵ That means that MPs are (or should be) politicians who are closest to the people, who should be informed and aware of the attitudes and needs of the citizens and respond to these needs. The parliament

¹Philip Laundry, *Parliaments in the Modern World*, Dartmouth, 1989, p. 11

²Rod Hague, Martin Harrob and Shaun Breslin, *Komparativna vladavina i politika*, Zagreb: Fakultet političkih znanosti Sveučilišta u Zagrebu, 2011, p. 293.

³Rod Hague, Martin Harrob and Shaun Breslin, *Komparativna vladavina i politika*, Zagreb: Fakultet političkih znanosti Sveučilišta u Zagrebu, 2011, p. 293.

⁴See more on this in: John K. Johnson, *The Role of Parliament in Government*, World Bank Institute, Washington, D.C., 2005, p. 2.

⁵Nelson W. Polsby, ‘Legislature’ in Fred Greenstein and Nelson Polsby (eds.) *Handbook of Political Science: Government Institutions and Processes*, Addison Wesley, Reading, MA, 1975.

should be an opened window for the citizens toward power and forum of the citizens.⁶

Because of that, it was said that the effective parliaments do not just speak to the society, they also listen.⁷ They listen the needs of their “clients” – citizens, formulate and adopt legislation in respond to those needs.

The performance of this task of the parliament depends on different preconditions. First, it depends on the electoral model – if it gives a possibility of proper representation of people’s will i.e. different political attitudes in the parliament. The proportional electoral system provides better chances for the representation of a larger scale of different political attitudes. However, the results on the parliamentary elections in Macedonia at the beginning of the transition, when MPs were elected on the basis of the majoritarian electoral model did not match this principal conclusion. That was a result of many factors: the political parties were still weak and they were not sufficiently organized; there was enthusiasm about the introduction of democracy, which gave chances to independent candidates; there was not strong party mobilization among the citizens etc.

The number of political parties or coalitions represented in the parliament is not always proportional to the degree of representation of people’s will. Today, MPs mostly represent the will of their political party instead of the will of their electors. That is a consequence of the party discipline, demanding from MPs to vote with “closed eyes.” In the Parliament, the personal responsibility has turned into party responsibility. In the contemporary parliaments, the MP’s face the challenge to coordinate the demands of the country, or their electoral unit, instructions from their political party and their own conscience. Or, as it was already said, the MPs are divided between the interests of the citizens and interests of the parties. The party interests dominate.⁸

That is especially visible in the contemporary parliaments. The modern political parties are highly cohesive and tightly disciplined organizations. Their aim is to ensure that all members in the parliament vote as the political party leadership decided.⁹

How are the parliamentarians in Macedonia motivated to follow the party instructions in voting? The discipline is obtained by combination of “carrots and sticks”. The process of nomination is one of the important “carrots”, and “stick” in the same time. It is an important process for the political party. Who determines the candidates, he owns the party.¹⁰ There is a statement that the parties

⁶ Slaviša Orlović, *Politički život Srbije – između partokratije i demokratije*, Beograd, 2008, p. 150.

⁷ John K. Johnson, *The Role of Parliament in Government*, World Bank Institute, Washington, D.C., 2005, p. 13.

⁸ Slaviša Orlović, *Politički život Srbije – između partokratije i demokratije*, Beograd, 2008, p. 155.

⁹ Harry Evans, *Parliament: An Unreformable Institution?*, <http://www.aph.gov.au/senate/pubs/pops/pop18/c02.htm>

¹⁰ Schattschneider. Quoted in Rod Hague, Martin Harrob and Shaun Breslin, *Komparativna politika*, Zagreb: Fakultet političkih znanosti Sveučilišta u Zagrebu, 2001, p. 215.

and individual politicians are motivated by office, policy and votes.¹¹ MPs act and vote in a certain way in the parliament in order to obtain parliamentary offices and privileges; to increase likelihood of achieving preferred policy outcomes, or to gain advantage in positioning for reelection.¹² Or, said in different words, MPs pursue policy goals, but a number of factors may shape policy preference, including personal goals, ideological goals, or instrumental goals of satisfying constituents or a particular interest group.¹³

The analysis show that the organization of political parties and party discipline as major characteristic of its activity have very strong influence on the position of the contemporary parliaments, especially in the parliamentary and mixed systems. That party discipline desalinates the MPs from the citizens and undermines the proper performance of the competence of representation, as well as the position of the parliament in the political system in general.

2.2. Lawmaking

The traditional definitions of the parliament pointed to its lawmaking function, stressing that they are the places where policy is created and transformed into legislation. The contemporary analysis of the role of legislature reveals that the parliaments are places where major public policy decisions are ratified. Today, the lawmaking function of the parliament is reduced to control of the quality: correction of the mistakes in the legal proposals prepared by the government.¹⁴ Therefore, the government is the place for policy creation and the parliament has only the role of revision of the governmental proposals. The parliaments give the legal form of the reached agreements on policy that governs society.

Since the parliament only verifies the decisions taken in government, it could be said that “laws are adopted *through* Parliament, not *by* the Parliament.”¹⁵ Parliament is “office where seals are put on the government decisions”.¹⁶

The dominance of the government in lawmaking process is a practice in the Republic of Macedonia. During past years, most of the draft-laws (more than 96%) were prepared by the Government and sent into the Parliament for adoption. Those “private bills” which are

¹¹Kaare. Strom, ‘A Behavioral Theory of Competitive Political Parties’, *American Journal of Political Science*, Vol. 34, issue 2, May 1990, p. 565-598.

¹²Strom explains these as relevant to some degree in each individual decision to change party (party switching in the parliaments). Kaare. Strom, ‘A Behavioral Theory of Competitive Political Parties’, *American Journal of Political Science*, Vol. 34, issue 2, May 1990, p. 565-598.

¹³Andrew D. Martin, ‘Congressional Decision Making and the Separation of Powers’, *American Political Science Review*, vol. 95, No. 2, June 2001, p. 362.

¹⁴Rod Hague, Martin Harrob and Shaun Breslin, *Komparativna vladavina i politika*, Zagreb: Fakultet političkih znanosti Sveučilišta u Zagrebu, 2011, p. 305.

¹⁵Endru Hejvid, *Politika*, Beograd, 2004, p. 588. Slaviša Orlović, *Politički život Srbije – između partokratije i demokratije*, Beograd, 2008, p. 127.

¹⁶Vučina Vasović, *Savremene demokratije*, Beograd, 2006, p. 96.

adopted are proposed by the MPs from the ruling coalitions, but most of them are prepared by the Government and only signed by MPs.

The discussion about the proposals of laws in the Parliament is formal, without any influence over the proposals. That general tendency in the parliaments was noted also by Andrew Heywood, who stressed that no matter if the speeches in parliament are clear, passionate and persuasive, they do not have any influence over the vote in parliament. That means that the debate is sterile.¹⁷ Richard Kobden said that he has heard many speeches in the parliament that made him cry, but none of them changed the result of voting.¹⁸ So, the deliberative function of the parliament is formal, because decisions are already taken in the party bodies. The Macedonian Parliament also acts according to the statement “when someone has a clear majority in parliament, the discussions are unnecessary and decorative”. The debates and proposed amendments by the MPs do not change the governmental proposals in the Parliament.

There are three kinds of procedures for adoption of laws in the Parliament of the Republic of Macedonia: regular, short and emergency procedure. Regular procedure is consisted of three readings of the law. Short procedure is used when the law is not complicated, when the draft-law proposes termination of the old law and when the draft-law contains simple and small provisions for harmonization with the law of EU. This procedure does not provide general debate on the law and second and third reading is in the same day. Emergency procedure is used when it is necessary for prevention and removal of great natural catastrophes, epidemics and economic disturbances, when it is necessary for the security and defense of the country etc.

2.3. Oversight

Oversight is one of the legislature’s “check and balance” functions, through which it seeks to ensure that programs are carried out legally, effectively, and for purposes that were intended.¹⁹ But today, instead of the executive governments being responsible to parliaments, parliaments have become responsible to executive governments – a reversal of roles.²⁰

The modern political party has grown up as a device for avoiding the responsibility of the executive to the parliament, and making sure that the executive is responsible to the party and not to the parliament.²¹ The function of oversight of the legislature over the executive is contradictory with the role to sustain the executive. “The role of sustaining the government does not sit well with the task of

¹⁷Slaviša Orlović, *Politički život Srbije – između partokratije i demokratije*, Beograd, 2008, p. 143.

¹⁸Endru Heywood, *Politika*, Beograd, 2004, p. 610. Slaviša Orlović, *Politički život Srbije – između partokratije i demokratije*, Beograd, 2008, p. 143.

¹⁹John K. Johnson, *The Role of Parliament in Government*, World Bank Institute, Washington, D.C., 2005, p. 3.

²⁰Harry Evans, *Parliament: An Unreformable Institution?*, <http://www.aph.gov.au/senate/pubs/pops/pop18/c02.htm>

²¹Harry Evans, *Parliament: An Unreformable Institution?*, <http://www.aph.gov.au/senate/pubs/pops/pop18/c02.htm>

challenging it and holding it to task”, noted Lord Nolan.²² The result of this contradiction is that the parliament performs well the role to sustain the government, and less well the other role.

So, the parliament formally controls the government, but in reality the party leaders of the ruling coalition who sit in the government control the MPs through enforcing party discipline. As Sidney Low already said, it is strange to expect that government in which generals sit will execute decisions of the parliament in which ordinary soldiers sit.²³

So, when party discipline limits parliamentary control, in practice parliamentary control is performed by the opposition, which does not have power to change the government.²⁴

The MPs in the Macedonian Parliament perform the control over the Government through parliamentary questions, interpellation and vote of censure. Also, on the proposal of 20 MPs, the Parliament can form interrogative commissions, as temporary working bodies with competence to explore every question of public interest.

Parliamentary questions can be posed by every MP – orally or in written. These questions must be short and precise and the MP should point to whom the question is addressed. Oral questions are posed during a special session, scheduled every last Thursday in the month. Therefore, the Question Time in the Macedonian Parliament is once a month. The MP can pose most 3 questions on the same session. The time for asking the question and answering is limited and it cannot be longer than 10 minutes for each question, as well as for the answer.

The ministers answer orally to the oral question, except when they cannot give an answer on the parliamentary session. In such situation, they are obliged to give a written answer in a period of 20 days.

The number of Parliamentary questions – posed and answered during the three terms of the Parliament of the Republic of Macedonia (2002-2011)

Term of the Parliament	Number of posed Parliamentary Questions	Number of Question Time sessions	Unanswered Parliamentary Questions
2002-2006	1375	25	125
2006-2008	556	14	130
2008-2011	795	26	112

It could be seen that the biggest number of unanswered Parliamentary questions occurred during the shortest mandate of the Parliament of the Republic of Macedonia (2006-2008).

²²According to Matthew Flinders, ‘Shifting the Balance? Parliament, the Executive and British Constitution’, *Political Studie*, vol.50/2002, p. 23.

²³Slaviša Orlović, *Politički život Srbije – između partokratije i demokratije*, Beograd, 2008, p. 128.

²⁴Slaviša Orlović, *Politički život Srbije – između partokratije i demokratije*, Beograd, 2008, p. 135.

Interpellation is an instrument that can be posed by at least five MPs. It is submitted in written and the Minister must give a written answer in a period of 15 days. Therefore, 15 days after receiving the answer, the debate on interpellation is opened in the Parliament. The debate lasts one day and, latest at midnight, the Parliament votes. If the Parliament accepts the interpellation, it adopts a conclusion, which could be “an introduction” to the responsibility of the Government.

Until now, the MPs in the Macedonian Parliament have never accepted the interpellation, while they have dismissed the Government only once during the vote of censure. That happened at the beginning of the transition in 1992, when the Parliament decided not to support the “expert” nonpartisan Government.

The competence of the Parliament to oversight the Government is undermined in all contemporary legislatures, but that is an even less efficient mechanism in Macedonia, where the “feeling for responsibility” is not in the “genes” of the majority of holders of public offices. In a situation of non-existence of legal responsibility, the political responsibility is even more marginalized. The general situation of erosion of moral principles, inexistence of the rule of law and free and strong public opinion, also contribute to the inefficiency of the instruments for parliamentary control over the Government. Unless these conditions are fulfilled, parliamentary control will not be a nightmare for the holders of public offices, but it would rather look like a funny story about the “witch” told to the children who do not believe in her anymore.

3. The development of the Parliament of the Republic of Macedonia from the Beginning of the Transition until 2011

3.1. Parliament of the Republic of Macedonia 1991-1994

At the beginning of transition, the Macedonian Parliament was a central point of discussions and decisions. During those years of the Parliament’s “glory” (1991-1994), the MPs held that the position in the Parliament is fundamentally about debate – “rhetoric” in the classical Greek sense. It was also about the right to dissent in a civilized manner. Genuine political opposition is a necessary attribute of democracy, tolerance and trust in the ability of citizens to resolve differences by peaceful means.²⁵ In this period, the Parliament was a mediator in the transition and initiator of debating and making decisions on important issues.

This Parliament was formed on the basis of the majoritarian electoral model (with two circles) in single-member districts. After the first parliamentary elections in 1990, 9 political parties and 3 independent candidates obtained seat in the Parliament. The political parties were weak, without party discipline and the leaders faced the need to give good arguments to persuade their parliamentarians to

²⁵Gerald Schmitz, *The Opposition in a Parliamentary System*, www.parl.gc.ca/Content/LOP/researchpublications/bp47-e.htm

support the party decision. On the other side, the parliamentarians had an opportunity, if they had “personal” reasons, not to follow party decision. The first Government was an “expert” one and it had support from most of the political parties in the Parliament. After the vote of censure in 1992, a new coalitional partisan political party was elected. Only in this period, Macedonia had transformative legislature.

3.2. Parliament of the Republic of Macedonia 1994-1998

The second period (1994-1998) was characterized by Parliament in which there was no genuine opposition. The elections were organized on the basis of the majoritarian electoral model. The leading opposition party boycotted the parliamentary elections, 5 political parties and coalitions and 7 independent candidates entered the Parliament and the ruling party had “artificially high” majority in the Parliament. This kind of situation marginalized the Parliament in the political system.

During this period, there was an initiative for referendum for pre-term elections. The Constitution envisages an obligatory referendum if 150 000 voters sign in favor of that. However, in this case, the Parliament disregarded the signatures of the voters and concluded that there is no possibility for referendum for pre-term elections. In this period, there was a rubber-stamp legislature in Macedonia.

3.3. Parliament of the Republic of Macedonia 1998-2002

In 1998, the parliamentary elections were organized on the basis of mixed electoral system, according to which 85 seats were obtained on the basis of majoritarian electoral model and 35 on the basis of proportional electoral model with whole country as one electoral unit. The “political experience” of the political parties contributed to coalitional alliances that competed on these elections and 5 political parties/coalitions obtained seats in the Parliament.

The third period 1998-2002 was characterized with a partial “revival” of the Parliament, but it was also a period of corruption of the MPs. During this period, the mandate of the Parliament was characterized with unstable ruling coalitions and unstable political parties (from the ruling coalition and from the opposition). The ruling political coalition was formed mostly of one political party that existed since the beginning of the transition and one new political party, which was formed few months before the elections.

This period was characterized with party transfers of the parliamentarians. The new political party in the ruling coalition fell apart and that influenced the stability of the Government. Because the Government wanted to keep the majority in the Parliament by using all “weapons”, this period was a period of “corrupted or bought” parliamentarians. But also, it was a period of strong opposition, which led toward “substantial” debates in the Parliament. In this period, the Macedonian Parliament could be classified as arena legislature.

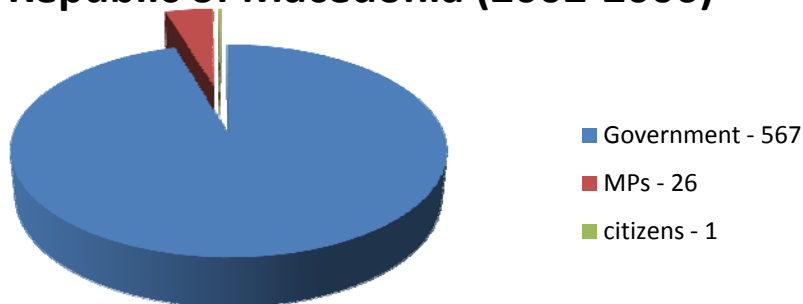
3.4. Parliament of the Republic of Macedonia 2002-2008

In 2002, Macedonia introduced proportional representation in 6 electoral units, which results in a majoritarian model. On these elections, 7 coalitions/parties obtained seats in the Parliament. On 2006 elections – 8 lists obtained seats in the Parliament, in 2008 – 5 lists, as well as in 2011 in which large, all-embracing coalitions competed.

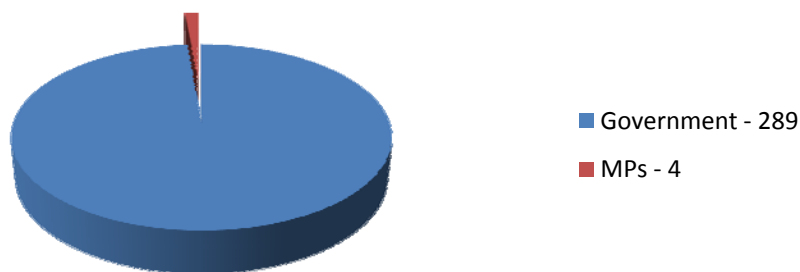
The fourth period 2002-2008 (with two mandates 2002-2006 and 2006-2008) was period of stable governments and gradual marginalization of the Parliament. The MPs were elected on the basis of Proportional Electoral Model with closed lists and they were more bounded to the party. Party discipline was practiced in the Parliament, but the atmosphere was still “liberal”, compared with the period that was coming.

Still we can speak of arena legislature in this period in Macedonia.

Proposers of the discussed laws in the fourth term of the Parliament of the Republic of Macedonia (2002-2006)



Proposers of the adopted laws in the fifth term of the Parliament of the Republic of Macedonia (2006-2008)



Amendments on laws submitted and accepted in the fourth mandate of the Parliament of the Republic of Macedonia (2002-2006)²⁶

²⁶Source: <http://sobranie.mk/WBStorage/Files/Godisen%20izvestaj%202002-2006.pdf>, p. 37.

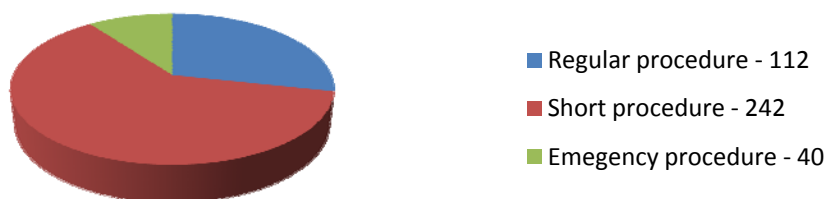
Proposers	submitted	adopted	non-adopted	withdrawn
Government	385	385	/	/
Commissions (working bodies of the Parliament)	1956	1869	73	14
MPs	2285	403	1659	223

Amendments on laws submitted and accepted in the fifth mandate of the Parliament of the Republic of Macedonia (2006-2008)²⁷

Proposers	submitted	adopted	non-adopted	withdrawn
Government	375	372	/	3
Commissions (working bodies of the Parliament)	355	344	11	/
MPs	2321	393	1150	778

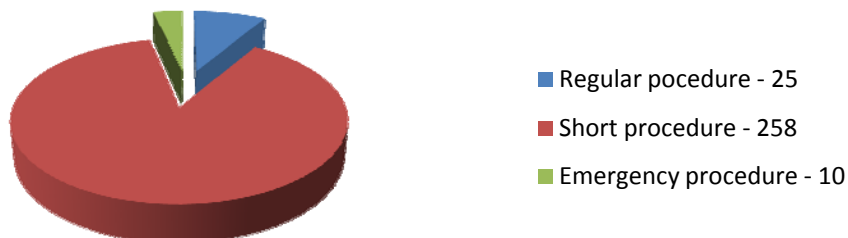
It could be noticed that during the period 2002-2008 the majority of laws were adopted by using short procedure. However, in most of the cases, these laws were adopted without fulfillment of the conditions prescribed in the Rules of Procedure, i.e. complicated legal provisions were adopted without debate and by using short procedure. That has influenced the quality of the laws and led toward amending of the same law several times in the same year.

Adopted laws on the basis of the used procedure for their adoption in the fourth term of the Parliament of the Republic of Macedonia (2002-2006)



²⁷Извештај за работата на пратеничкиот состав на Собранието на Република Македонија 26.07/2006 - 12.04/2008, http://sobranie.mk/WBStorage/Files/godisen_izvestaj_2006-20080.pdf, p. 19.

Adopted laws on the basis of the used procedure for their adoption in the fifth term of the Parliament of the Republic of Macedonia (2006-2008)



3.5. Parliament of the Republic of Macedonia 2008-2011

The fifth period of the development of the Parliament in Macedonia started in 2008 and lasted until 2011. It comprises of one mandate from 2008 until 2011. The Parliament became an object of pressures, which gives us the right to speak about the sunset of the Parliament in this period. After seventeen (or now already twenty) years after the start of the transition, the Macedonian Parliament has become the “Prime Minister’s poodle”²⁸ or rubber-stamp legislature.

In 2008, the Parliament changed the old Rules of Procedure and adopted new, but without consensus of the opposition, and without respecting the suggestions of the Venice Commission. These Rules of Procedure limited the right of all parliamentarians to participate on equal basis in all parliamentary debates and in all phases of adoption of laws. For example, the procedure of lawmaking was rationalized and some of its phases were conditioned by the demand of certain number of MPs, which practically excluded the independent MPs or smaller parliamentary groups from the possibility to ask for debate, or “reading” of the proposed law.

After the elections in 2008, the ruling majority used these provisions of the Rules of Procedure and in the situation of absence of the opposition from the Parliament, at the end of July and beginning of August, it adopted 172 laws without any discussion, following emergency or short procedure. The new Rules of Procedure also determine the cases in which the law can be passed following emergency procedure: when it is necessary for prevention and removal of major distortion in the economy; or when the interests of security and defense of the Republic or similar major disasters, epidemics or other emergencies and urgent needs demand it. None of these reasons was present to justify the use of emergency procedure.

²⁸The expression “Prime Minister’s poodle” was used by Derek Foster PM in British House of Commons. See in: Matthew Flinders, ‘Shifting the Balance? Parliament, the Executive and British Constitution’, *Political Studies*, vol.50/2002, p. 28.

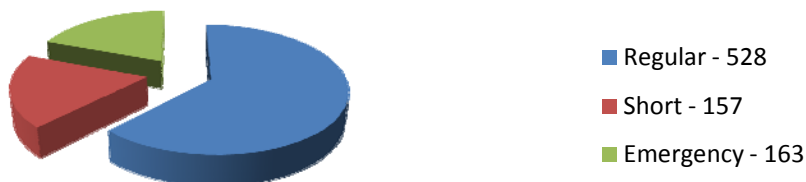
The laws were adopted in the “fast fingers” style: from reading of the name of the law until its adoption, only 35 to 40 seconds passed. That had consequences on the quality of the laws and therefore, several of them were brought to the Constitutional court for evaluation of constitutionality. During this “fast fingers” session, there was nebulous case in which the Parliament introduced changes in one article of the Law on financing political parties, which did not exist in the legal system because it was abolished by the Constitutional court two years ago (in 2006). Also, there were cases of laws in which the Parliament introduced same or similar provisions to those which were already abolished by the Constitutional court as unconstitutional.

At the end of such “humiliating behavior” of the Parliament in 2008, the Speaker apologized publicly, but he did not take the political or legal responsibility for violation of the legal norms regulating the procedure for law making. After that, the practice of frequent use of short or emergency procedure for adoption of laws was abandoned.

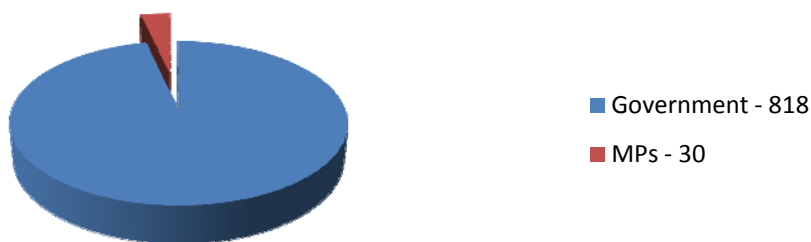
Nevertheless, the use of the emergency procedure without a legal base and the unconstitutional content of the laws was not the only case of violation of the Constitution and the Rules of Procedure in this period. There was another example of violation of the Constitution and the Rules of Procedure by the Parliament. The procedure for lawmaking prescribes that after the laws are adopted, the President of the Republic promulgates the law or vetoes it. The presidential veto includes not only the right of the President to object the law, but also the right of the President to explain the reasons for that. When the President announced that he would veto some of the adopted laws, the Speaker did not wait for his written explanation (on Friday, the President announced that he will veto the laws and that he will send a written explanation to the Parliament on Monday) and put the laws on Friday for another vote for overriding the veto. After the President sent his veto in written, the Speaker put the laws for vote again. So, the Parliament, contrary to the Rules of Procedure, voted for the same law three times.

At the end, nobody took political or legal responsibility for violation of the Constitution and Rules of Procedure. It was a bad signal for the rule of law and democracy in the Republic of Macedonia. In a state with rule of law, for violations of legal norms there must be legal responsibility. However, when that violation is made by politicians, the legal responsibility must also be accompanied by political responsibility.

Adopted laws on the basis of the used procedure for their adoption in the sixth term of the Parliament of the Republic of Macedonia (2008-2011)



Proposers of the laws adopted in the sixth term of the Parliament of the Republic of Macedonia (2008-2011)



Amendments on laws submitted and accepted in the sixth mandate of the Parliament of the Republic of Macedonia (2008-2011)²⁹

Proposers	submitted	adopted	non-adopted	withdrawn
Government	21	21	/	/
Commissions (working bodies of the Parliament)	292	289	3	/
MPs	5955	1603	3401	951

It could be noticed that the speakers played an important role in building or destroying the dignity of the Macedonian Parliament. "The speakers of the Macedonian Parliament have been more in the function of the Government, than of the members of Parliament. This

²⁹Извештај за работата на пратеничкиот состав на Собранието на Република Македонија
21.06/2008 - 14.04/2011
<http://sobranie.mk/WBStorage/Files/MANDATENIZVESTAJ0811koregiran.pdf>

is especially important in their relationship with the members of the opposition.”³⁰

“Till now, the Macedonian parliamentarians represented less the citizens and their interests, and more the parties that nominated them. Their constitutional right to vote ‘in line with their consciousness’ was manifested more as ‘privilege’ of lonely individuals-parliamentarians, which ‘had the nerve’ not to be disciplined party soldiers. Some of them had to pay their parliamentary integrity with loosing the function, and even being expelled from their parties.”³¹

The Macedonian Parliament never wanted to play a role of scrutinizer of the Government. The committees have low capacities to perform that function. However, the absence of will to do that is more important. There were cases in the period after 2008 in which the MPs from the ruling coalition obstructed the work of several parliamentary committees (in the Macedonian Parliament called commissions), including the work of the Standing Inquiry Committee for Protection of Civil Freedoms and Rights. With such behavior, the MPs that supported the Government did not give an opportunity to the Parliament to oversight the executive power even in cases where human rights were involved.

Having in mind the “multi-ethnic character” of the ruling coalitions in Macedonia, we can pose the question: Is the cohesive voting a result of “iron” party discipline and respect of decisions imposed by the party leadership, or is it a result of intensive intra-party bargaining processes in which the Government is forced to modify its proposals significantly? The impression is that decisions are made in the process of difficult bargaining among coalition partners, especially when ethnic issues are on the agenda. But, when party leaders reach the agreement, that is imposed on their parliamentarians. After the 2011 elections, there were statements of some MPs from the ruling coalition that before the process of nomination, they had to sign written resignation of the MP position that the leader will activate if they fail to follow the party instructions in the Parliament. In addition, they claim that they signed financial guarantee that if they violate that obligation, they will have to pay high sum of money (about 600 000 Euros). In this regard, we should mention that the Constitution regulates that a MP may resign his/her mandate, but that resignation should be submitted in person at a session of the Parliament (Article 65). In 2011, the Speaker violated this article of the Constitution allowing two representatives to submit their resignation in written. That was at the same time “warning” to the MPs from the ruling coalition that their mandates can end with written resignation signed in the process of nomination if they do not follow the party instructions.

³⁰Gordana Siljanovska-Davkova, *Parliamentary system(s) or/and presidential system(s): Dilemmas and Challenges*, p. 18, <http://www.juridicas.unam.mx/wccl/en/a.htm>

³¹Gordana Siljanovska-Davkova, *Parliamentary system(s) or/and presidential system(s): Dilemmas and Challenges*, p. 16, <http://www.juridicas.unam.mx/wccl/en/a.htm>

There is no doubt that “political culture has strong influence on the way of functioning of the organs of government and the decision making process. The relicts of the patriarchic and parochial political culture, as well as the domination of the elements of submissive over the ones of participative political culture in the Republic of Macedonia, are important factor in the profiling of the ‘governance model’”³² and within the role and position of the Parliament.

4. Current Parliament of the Republic of Macedonia (2011-)

The current composition of the Parliament of the Republic of Macedonia was elected on the parliamentary elections in 2011. The events that happened during its term turned the Parliament from “house” of democracy into “cemetery” of democracy.

The trend of violation of the Constitution and Rules of Procedure continued. Despite the constitutional norm that the MP can submit his/her resignation only orally on plenary meeting of the Parliament, the President of the Parliament accepted written resignations.

However, the most shocking event in the Parliament was the one that happened on December 24, 2012. That was the day when all MPs of the leading oppositional coalition were thrown out of the Parliament and were not allowed to participate in the procedure for adoption of the Budget of the Republic of Macedonia for 2013. The events that preceded this situation of violation of the Constitution, Law of the Parliament and Rule of Procedure were the following: The Government of the Republic of Macedonia submitted the Proposal of the Budget on November 3, 2012. The Rules of Procedure prescribe special procedure for adoption of the Budget. According to its norms, the proposal of the budget is preceded directly in the phase of second reading, which should be done in the Parliamentary Commission for Budget and Financing, and in the Legislative Commission. The reading of the Proposal of the Budget started on November 19, 2012 in the Parliamentary Commission for Budget and Financing and on December 13, 2012 in the Legislative Commission.

The opposition submitted 1225 amendments to the Proposal of the Budget for 2013. Those amendments should have been discussed on the meetings of the competent Parliamentary commissions. The discussion of the MPs on the parliamentary bodies is not time limited and the MPs used that opportunity to have long speeches. Therefore, the Parliamentary Commission of Budget and Financing debated and decided only on 161 amendments (from 1225) and the Legislative Commission debated and decided only on 137 amendments.

The ruling majority did not want to accept that “filibuster” has not been prevented in the Rules of Procedure and, with violation of norms, it wanted to cut the debate in the parliamentary bodies. Therefore, the President of the Legislative Commission (who is from

³²Gordana Siljanovska-Davkova, *Parliamentary system(s) or/and presidential system(s): Dilemmas and Challenges*, p. 21, <http://www.juridicas.unam.mx/wccl/en/a.htm>

the ruling party) submitted a report to the Government only on the debate on 137 amendments, and for the others it was written that they were not accepted by the Government. Since the President of the Commission on Budget and Financing was from the oppositional party, the MPs from the ruling party that are members of this parliamentary body signed a report on the unfinished work of this body. Those two reports that were sent before the ending of the debate were the first violation of the Rules of Procedure.

On the basis of these reports, on December 24, 2012, the Government submitted Supplemented Proposal of the Budget of the Republic of Macedonia for 2013, which was put on the Agenda of the Parliamentary session the same day. The 39 MPs of the opposition stood up in front of the desk of the President of the Assembly aiming to prevent the beginning of the debate that was contrary to the Rules of Procedure. Three MPs of the same oppositional coalition sat down in their parliamentary seats. The special police forces came into the Parliament and threw out first the journalist from the public gallery in the Parliament and after that all 42 MPs from the leading oppositional coalitions, therefore violating many rules of the Constitution, Law on Parliament and Rules of Procedure.

During that action, the procedure for maintaining public order in the Parliament was not respected. The most obvious cases of violation of legal norms were the cases of the 3 MPs who were sitting on their places in the parliamentary seats, but were thrown out by the police only because they were members of the oppositional coalition.

That action, which happened on December 24, 2012 led towards a political crisis in the country, because 42 MPs from the oppositional coalition who were thrown out of the Parliamentary session, did not come back in to the Parliament and boycotted its work.

The ruling majority adopted the Budget and continued to adopt many laws following short procedure ("fast fingers"), even when there was no legal justification for use of this procedure.

5. Conclusions

In the countries in transition, the dignity of the parliament is very important for the legitimacy of the institutions and for democratic consolidation, but, unfortunately, the parliaments in these countries have been marginalized institutions. In these twenty years of transition, some of them became institutionalized parliaments (meaning that they efficiently perform legislative function; have well-established internal organization; abide to their own rules; reach the accepted place in the political system).³³

The Parliament of the Republic of Macedonia has not yet been institutionalized. Also, it has not always exercised its basic functions in a legitimate way. The conclusion that the Macedonian Parliament is non-institutionalized can be derived from the behavior of the Parliament in the period from 1991 until today and from its relations

³³Rod Hague, Martin Harrob and Shaun Breslin, *Komparativna vladavina i politika*, Zagreb: Fakultet političkih znanosti Sveučilišta u Zagrebu, 2011, p. 319.

with the executive. In Macedonia, the stability of the ruling majority and political will were the most important factors that influenced the role of the Parliament. Whether formal powers of the legislature will be performed, depends of the political will of the executive power to leave political space to the legislatures to act, or of the political will of the MPs to use parliamentary competences. The political will of all MPs is important: those supporting the Government and those in opposition.

The theory speaks about “sunset” of the legislatures or rubber-stamps legislatures. This problem is even bigger in the Republic of Macedonia, where after 2008 we can speak about “reverse direction” in positioning the Parliament in the political system. The Parliament as a simple voting machine on governmental proposals, without real debate and confrontation of arguments, is not something new or “exclusive” for Macedonia. But, peculiarity in Macedonia is that the submission of the Macedonian legislature to the Government is accompanied by violation of the Constitution and Rules of Procedure by the Parliament itself. The Parliament in Macedonia formally has competence for lawmaking, but in practice, it violates the norms that it has adopted. That is a serious problem for the functioning of the legal system and presents an obstacle for establishing rule of law in Macedonia. Also, non-performance of the oversight competence of the Parliament and non-existence of a personal feeling for political responsibility among the holders of public offices produces irresponsible policies. When we add to that the inefficient legal (criminal and other) responsibility for violation of legal norms, the picture of the “rule of man” instead of the “rule of law” is even more “clear”. Unfortunately, the Parliament of the Republic of Macedonia, instead of being a “house of democracy” has been turned into a “cemetery of democracy”.

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**THE PARLIAMENT OF THE REPUBLIC OF MACEDONIA -
“HOUSE” OR “CEMETERY” OF DEMOCRACY?!**

(Summery)

The paper analyzes the role of the Parliament in the political system of the Republic of Macedonia since 1991 until today. The paper shows that the Macedonian Parliament has underwent six cycles with different “style” of work: 1991-1994 (“period of glory of the Parliament”); 1994-1998 (“period of Parliament without opposition”); 1998-2002 (“period of instability of the Parliament”); 2002-2008 (“period of gradual marginalization of the Parliament”) and 2008 till 2011 (“period of Parliament - Prime Minister’s poodle”) and 2011 until today (“period of Parliament as cemetery of democracy”).

In addition, the paper argues that the Parliament in the Republic of Macedonia is not yet institutionalized, as well as that submission of the legislature to the government is accompanied by violation of the Constitution and Rules of Procedure by the Parliament itself. Therefore, the Parliament, instead of being “house of democracy” has been turned into “cemetery of democracy”.