

# POLITICAL THOUGHT

YEAR 19, No 61, MAY, SKOPJE 2021



61

Publisher:

Konrad Adenauer Foundation, Republic of North Macedonia  
Institute for Democracy "Societas Civilis", Skopje

Founders:

Dr. Gjorge Ivanov, Andreas Klein M.A.

Politička misla - Editorial Board:

Daniel Braun	Konrad Adenauer Foundation, Germany
Nenad Marković	Institute for Democracy "Societas Civilis", Political Science Department, Faculty of Law "Iustinianus I", Ss. Cyril and Methodius University in Skopje, Republic of North Macedonia
Ivan Damjanovski	Institute for Democracy "Societas Civilis", Political Science Department, Faculty of Law "Iustinianus I", Ss. Cyril and Methodius University in Skopje, Republic of North Macedonia
Hans-Rimbert Hemmer	Emeritus Professor of Economics, University of Giessen, Germany
Claire Gordon	London School of Economy and Political Science, England
Robert Hislope	Political Science Department, Union College, USA
Ana Matan-Todorcevska	Faculty of Political Science, Zagreb University, Croatia
Predrag Cvetičanin	University of Niš, Republic of Serbia
Vladimir Misev	OSCE Office for Democratic Institutions and Human Rights, Poland
Sandra Koljačkova	Konrad Adenauer Foundation, Republic of North Macedonia

Address:

KONRAD-ADENAUER-STIFTUNG  
ul. Risto Ravanovski 8 MK - 1000 Skopje  
Phone: 02 3217 075; Fax: 02 3217 076;  
E-mail: Skopje@kas.de; Internet: www.kas.de

INSTITUTE FOR DEMOCRACY "SOCIETAS CIVILIS" SKOPJE  
Miroslav Krleža 52-1-2 MK - 1000 Skopje;  
Phone/ Fax: 02 30 94 760; E-mail: contact@idscs.org.mk;  
Internet: www.idscs.org.mk  
E-mail: map@yahoogroups.com

Printing: Vincent grafika - Skopje  
Design & Technical preparation: Pepi Damjanovski  
Translation: Tiina Fahrni, Perica Sardzoksi, Ognena Nikuljski, Barbara Dragovikj.  
Macedonian Language Editor: Elena Sazdovska

**The views expressed in the magazine are not views of Konrad Adenauer Foundation and the Institute for Democracy "Societas Civilis" Skopje. They are personal views of the authors. The publisher is not liable for any translation errors. The magazine is published 2 times a year and it is distributed to political subjects, state institutions, universities, and foreign representatives in Republic of North Macedonia and throughout Europe. This publication is solely intended for information purposes. It may not be used by political parties or by election campaigners or supporters for the purpose of election advertising.**

Year 19, No 61, May  
Skopje 2021  
ISSN 1409-9853

# Contents

---

POLICIES OVER POLITICS: PUTTING A FOCUS ON THE ENVIRONMENT	5
---	---

Monika Zajkova  
Timco Mucunski

REPRESENTATIVE DEMOCRACY AND THE SYSTEM OF DIVISION OF POWER: MACEDONIAN LESSONS	13
---	----

Tanja Karakamisheva – Jovanovska  
Aleksandar Spasenovski

PUBLIC POLICIES FOR CRISIS MANAGEMENT: LESSONS LEARNED FROM COVID-19 ON CLIMATE CHANGE	29
---	----

Hristina Runcheva Tasev  
Aneta Stojanovska-Stefanova

THE ROLE AND SIGNIFICANCE OF POLITICAL CULTURE IN DEMOCRATIC PROCESSES	43
---	----

Tome Gushev

REPRESENTATION: ARE 'OPEN LISTS' THE SOLUTION TO THE PROBLEM?	63
--	----

Stefan Andonovski

CHALLENGES OF MONITORING AND ASSESSING THE PERFORMANCE OF EMPLOYEES WORKING FROM HOME DURING THE COVID-19 PANDEMIC	75
--	----

Dejan Dimitrievski

## SHORT BIOGRAPHIES



### **Tanja Karakamisheva-Jovanovska**

is a full professor at the Faculty of Law “Iustinianus Primus” in Skopje at the Department of Constitutional Law and Political System. She obtained her doctorate at the Faculty of Law in Ljubljana, Republic of Slovenia, in 2002, and she obtained her master's degree in 1997 at the Faculty of Law in Skopje. Until now, she has worked as an expert on a number of projects run by the GTZ, the OSCE, the UNDP, the EU, the Council of Europe, and others. In the period between 2008 and 2012 she was nominated as a deputy member, and from 2016 until 2020 as a member of the Venice Commission of the Council of Europe. In 2014 she was nominated for a member of the Program Committee for the configuration “Europe in a Changing World – Inclusive, Innovative, and Reflective Society” working within the European Commission for the Horizon 2020 program, as well as a national contact point for this configuration. In February 2014, she was selected as the best scientist at the University of Ss. Cyril and Methodius for 2013.

**She is the author of more than 250 papers published in domestic and foreign journals, yearbooks, collections and the like.** She has participated in more than 20 relevant international scientific projects, and in more than 50 seminars and international conferences organized around the world with her papers or studies. **She is the author of ten university textbooks, three popular science books and five monographs.**



### **Aleksandar Spasenovski, PhD,**

is an associate professor at the Department of Constitutional Law and Political System at the Faculty of Law “Iustinianus Primus” at the University of Ss. Cyril and Methodius. His special interest is the political parties and interest groups, as well as modern political systems. Spasenovski's theses was related to the constitutional and legal status of religions and the freedom of confession. Aleksandar was elected a member of the Macedonian Parliament in 2006, 2008, and 2011, and from 1999 to 2006 he was a scholarship holder of the Konrad Adenauer Foundation. Email: a.spasenovski@pf.ukim.edu.mk

Изворна научна статија  
УДК: 342.53(497.7)

---

Tanja Karakamisheva – Jovanovska  
Aleksandar Spasenovski

# REPRESENTATIVE DEMOCRACY AND THE SYSTEM OF DIVISION OF POWER: MACEDONIAN LESSONS

---

POLITICAL THOUGHT

---



## Introduction

The legislative function, as a part of the functions operating under the branches of power in democratic systems, represents a practical expression of the sovereignty of citizens. It is exercised within the representative bodies whose members are elected in general and direct elections, for a certain mandate period.

All parliaments, notwithstanding the system of organization of state power, are endowed with a broad spectrum of competences which may be narrowed down to three key areas:

- First, the legitimate function, or respectively the function of representation;
- Second, legislative function;
- Third, oversight function.

This being said, in the light of the imminent jubilee to take place on 17<sup>th</sup> November 2021, when three decades since the adoption of the “Constitution of Republic of Macedonia” shall be marked, this analysis, through the application of quantitative parameters and their qualitative interpretations, aims to anticipate the role of the legislature in the Macedonian political system through the prism of the degree of achievement of the most important competencies of the Assembly.

Based on the data obtained, we hereof present the key considerations which shall in a more precise manner clarify the place, role, challenges and the performance of the Assembly within the system of the division of power in our country.

The conducted analysis contains information and parameters for each of the key competencies typical for representative bodies in democratic states, and for this purpose we have used all available statistical and other data contained in public documents that the Assembly of the country has at its own disposal.

## 1. The competencies of the assembly as opposed to reality

The Assembly as the holder of legislative power is subject to constant observations and evaluations. From the point of view of performance of this branch of power, the opinions and assessments from an expert community perspective are quite divergent. However, the common prevailing dilemma is whether the legislative power in our country is exercising, as a whole and in an appropriate manner, the competences it has been entrusted by the Constitution<sup>1</sup>, the Rules of Procedures of the Assembly<sup>2</sup>, and by the Law on the Assembly<sup>3</sup>.

1 *Constitution of Republic of Macedonia*, Official Gazette of Republic of Macedonia, year.: XLVII, No.: 52, Skopje, 1991, pages.: 805-815.

2 *Rules of Procedure of Republic of Macedonia*, Official Gazette of Republic of Macedonia, No.: 91, Skopje, 2008, *Rules of Procedure for amendments and addenda to the Rules of Procedure of the Assembly of Republic of Macedonia*, Official Gazette of Republic of Macedonia, No.: 119, Skopje, 2010 and *Rules of Procedure for amendments and addenda to the Rules of Procedure of the Republic of Macedonia*, Official Gazette of Republic of Macedonia, No.: 23, Skopje, 2013.

3 *Law on the Assembly of Republic of Macedonia*, Official Gazette of Republic of Macedonia, No.: 104, Skopje, 2009.

In addition, through the prism of the theory<sup>4</sup> which studies the place of the legislature in countries with representative democracies, as well as based on the intrinsic specificities arising from the Constitution and the indicated laws, we seek to elucidate the dilemma of whether the Assembly, both as a whole and in an appropriate manner, is exercising its competencies.

## 1.1 Legitimate function, or respectively the function of representation

- The function of representation and its actual effectuation in the case of the Assembly shall be analyzed through the following six indicators:<sup>5</sup>
- First, the duration of the mandate of the Assembly compositions;
- Second, representation of the Members of the Assembly (MA) according to their ethnic belonging;
- Third, gender representation of the Members of the Assembly;
- Fourth, the number of Members in the Assembly whose mandate in the Parliament has been prematurely terminated;
- Fifth, the number of political parties or coalitions in the Assembly;
- Sixth, the number of independent members of the Assembly.

COMPOSITION	PERIOD	DURATION
First composition	1990-1994	Completed mandate
Second composition	1994 -1998	Completed mandate
Third composition	1998 – 2002	Completed mandate
Fourth composition	2002-2006	Uncompleted mandate
Fifth composition	2006-2008	Uncompleted mandate
Sixth composition	2008-2011	Uncompleted mandate
Seventh composition	2011-2014	Uncompleted mandate
Eighth composition	2014-2016	Uncompleted mandate

**Table 1:** Duration of the mandate of the Assembly compositions from 1991 until 2016<sup>6</sup>.

Although our constitution has not foreseen the constitutional possibility for the President of the Republic, at request of the Government, to be able to take a decision on the

<sup>4</sup> See Гордана Силјановска - Дафкова, Тања Каракамишева – Јовановска и Александар Спасеновски, *Парламентарно право*, Правен Факултет „Јустинијан Први“ и Фондација „Конрад Аденауер“, 2020.

<sup>5</sup> The indicators herein referred to are in line with the methodology we have defined in light of the set objective as well as in line with the specifics of the legislative power itself and the political system in the country.

<sup>6</sup> According to the data obtained from the website of the Assembly, [www.sobranie.mk](http://www.sobranie.mk), March 2021.

dissolution of the Assembly as a form of checks and balances of the executive against the legislative power, something which is typical for parliamentary democracies, such factor may still not be assessed as positive from the point of view of the duration of the mandates of the Assembly compositions from 1990 until 2016.

As may be inferred from the data contained in the table above, only 50% of the Assembly compositions have completed their four-year mandate, whereas the remaining 50% had had it prematurely terminated. In particular, the first four Assembly compositions had retained their constitutionally-specified mandate till its expiry, whereas the subsequent four Assembly compositions until 2016 had had it prematurely terminated through their own dissolution due to the decision to organize snap parliamentary elections. In this sense, the duration of the mandate of the Assembly compositions from 1990 till 2016 had been, on the average, somewhat more than 3 years.

The reasons behind such shorter duration of mandates need to be sought within two circumstances:

- First, in the political crises in the country which have had their own impact on reducing the duration of legitimacy entrusted to the ruling parties,
- Second, in the strategies of the ruling parties which due to the distribution of power between themselves and the parties in the opposition had been opting for early elections so as to regain the legitimacy from the citizens.

From the political parties perspective, it should be concluded that until 2016 the Assembly compositions in which the majority of MAs had been from the SDSM-led coalition had remained in power until the end of their mandate, whereas the Assembly compositions with the majority of MAs led by VMRO-DPMNE had been more inclined toward dissolution and organizing early parliamentary elections.

MANDATE	MACEDONIANS	ALBANIANS	TURKS	ROMA	SERBS	VLACHS	BOSNIAKS
2002-2006	70.8	21.6	2.5	0.8	1.66	0.8	1.66
2006-2008	70.8	23.3	1.6	1.6	0.8	0.8	0.8
2008-2011	67.5	24.2	0.8	1.6	2.5	1.6	0.8
2011-2014	68	20	1.6	1.6	3.2	0.8	1.6
2014-2016	74	22	1.6	0.8	1.6	0	0.8
<b>AVERAGE</b>	<b>70</b>	<b>22</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>

**Table 2:** Representation of MAs from 2002 until 2016<sup>7</sup> according to their ethnic belonging

Based on the data above, as well as on the results obtained from the 2002 census on population and housing, it may be concluded that there have been certain, mainly minor deviations in the Assembly from the point of view of the ethnic representation of MAs.

<sup>7</sup> According to the data obtained from the website of the Assembly, [www.sobranie.mk](http://www.sobranie.mk), March, 2021.



Given the fact that such deviations have not been of a grand scale, two major conclusions may be accordingly inferred:

First, the present electoral model (regional – proportionate) which has applied since 2002 to date, with certain changes being made thereat in view of the voting of the diaspora constituencies, has enabled the equitable representation in the Assembly of all ethnic segments in the country, and

Second, the strategy of the largest parties (VMRO-DPMNE and SDSM, but also DUI) to set out with pre-election coalitions which integrate parties from the smaller ethnic communities (Turks, Roma, Serbs, Vlachs, Bosniaks, Egyptians etc.) has proved quite rightful from the aspect of the distribution of powers seen both through the prism of the number of received votes and the correction to the deficiencies in the electoral model which, by making it difficult for the respective political entities to be able to have their own independent presentation, is in fact encouraging them to get integrated in coalitions led by the largest parties in the country.

Considering the above data through the perspective of the constitutional character of the country, especially after the implementation of the 2001 Ohrid Framework Agreement, it is noticeable that the legislative power is a corresponding reflection of the civil and ethnic equality.

MANDATE	MEN	WOMEN
2002-2006	81.6	18.3
2006-2008	70.8	29.1
2008-2011	71.7	28.3
2011-2014	70	30
2014-2016	67.5	32.5
<b>AVERAGE</b>	<b>73</b>	<b>28</b>

**Table 3:** Gender representation of MAs from 2002 until 2016.

By analyzing the tendencies from 2002 until 2016, we may establish that there has been an increased equality of the gender structure among the Members of the Assembly. Namely, unlike in 2002 when the male-female MA ratio in the Assembly was more than 80% male against less than 20% female, in 2016 the same ratio was 67.5% against 32.5% respectively, which signifies a great progress having been reached. This confirms that the legislative requirements for greater gender equality have gradually yielded results, even though the required gender equality has still not been achieved.

8 Ibid.

COMPOSITION	NUMBER OF MAs WITH PREMATURELY TERMINATED MANDATE
1990-1994 first Assembly composition	2 MAs
1994-1998 second Assembly composition	6 MAs
1998-2002 third Assembly composition	21 MAs
2002-2006 fourth Assembly composition	25 MAs
2006-2008 fifth Assembly composition	12 MAs
2008-2011 sixth Assembly composition	6 MAs
2011-2014 seventh Assembly composition	10 MAs
2014-2016 eighth Assembly composition	14 MAs

**Table 4:** Number of MAs in the Assembly compositions from 1991 until 2016 whose mandate had been prematurely terminated.

In all compositions of the Assembly since the independence of the country until 2016, there had been MAs whose mandate had been prematurely terminated due to circumstances envisaged by the Constitution, at which in the largest number of cases the termination had ensued by following a submitted resignation (Article 65, paragraph 1) either due to the respective MA being appointed to another function in the executive power or to the local government respectively. On the average, within the eight Assembly compositions until 2016, 12 out of 120 MAs, which is 10% of the total number of MAs, had had their mandate prematurely terminated.

In pursuance to Article 63, paragraph 4 of the Constitution, the MA mandate may be extended by declaring either a Martial Law or a state of emergency in the country, though it should be noted that our country has had no such experience where extension of the MA mandates due to such circumstances has been imposed.

COMPOSITION	NUMBER OF POLITICAL PARTIES/ COALITIONS
1990-1994 first Assembly composition	12
1994-1998 second Assembly composition	9
1998-2002 third Assembly composition	12
2002-2006 fourth Assembly composition	19
2006-2008 fifth Assembly composition	20
2008-2011 sixth Assembly composition	18
2011-2014 seventh Assembly composition	20
2014-2016 eighth Assembly composition	15

**Table 5:** Number of political parties or coalitions in the Assembly in all eighth compositions from 1990 until 2016.

<sup>9</sup> Ibid.

<sup>10</sup> According to the data obtained from the official website of the Assembly, [sobranie.mk](http://sobranie.mk), March 2021.

Despite the fact that the party system of the country has all the characteristics of a system of restricted pluralism (against the systems of extreme pluralism and the atomized systems as per the classification made by Giovanni Sartori)<sup>11</sup>, when looking from a perspective of the party representation in the Assembly, other conclusions may also be drawn.

Namely, the difference between the formal significant party representation against the essential four-party system is due to the fact that the largest political entities (VMRO-DPMNE, SDSM and the two largest parties of the ethnic Albanians) represent, in fact, coalitions<sup>12</sup> in which other minor parties participate as well, the latter being in the largest part either political entities which advocate for the interests of the remaining ethnic communities (Serbs, Turks, Roma, Vlachs, Bosniaks etc.) or other entities with some rather different ideological specificities.

COMPOSITION	NUMBER OF INDEPENDENT MAs
1990-1994 first Assembly composition	3
1994-1998 second Assembly composition	1
1998-2002 third Assembly composition	6
2002-2006 fourth Assembly composition	0
2006-2008 fifth Assembly composition	4
2008-2011 sixth Assembly composition	2
2011-2014 seventh Assembly composition	2
2014-2016 eighth Assembly composition	3

**Table 6:** Number of independent Members of the Assembly within the eight Assembly compositions from 1990 until 2016<sup>13</sup>.

If we analyze the number of independent MAs within the analytical sample, it is noticeable that this number is quite small, ranging in between 1% and 5% of the total number of MAs. Such situation is due not only to the strong partisanship in the Macedonian society, but also to the nature of the electoral model which is rather discouraging of any initiative implying the composing of election lists which would be rendered equally competitive with the large parties in any of the electoral districts.

<sup>11</sup> See: Силјановска – Дафкова et.al, *Парламентарно право*, оп.цит.

<sup>12</sup> Thus, in the elections of 2006, 2008, 2011, 2014 and 2016 VMRO-DPMNE led the coalition „For better Macedonia“.

<sup>13</sup> According to the data obtained from the official website of the Assembly, op.cit.

## Legislative function

According to the Constitution of 1991 and the Law on the Assembly of 2009, the Assembly is defined as a representative body of all citizens and as the holder of the legislative power in the country.

Thus, considering this essential function of the Assembly, its practical effectuation shall be analyzed through the following five indicators<sup>14</sup>:

- First, number of convened sessions of the Assembly;
- Second, working days set for sessions of the Assembly;
- Third, items on the agenda of the sessions of the Assembly;
- Fourth, laws submitted to and adopted by the Assembly;
- Fifth, number of Laws submitted to the Assembly by legislators.

MANDATE	NUMBER OF SESSIONS
2002-2006	136
2006-2008	115
2008-2011	147
2011-2014	87
2014-2016	125
<b>TOTAL</b>	<b>610</b>
<b>AVARAGE PER MANDATE</b>	<b>122</b>

**Table 7:** Convened sessions in the Assembly from 2002 until 201615.

MADATE	NUMBER OF WORKING HOURS FOR SESSIONS
2002-2006	389
2006-2008	328
2008-2011	299
2011-2014	318
2014-2016	243
<b>TOTAL</b>	<b>1577</b>
<b>AVERAGE PER MANDATE</b>	<b>315</b>

**Table 8:** Working hours for sessions of the Assembly from 2002 until 201616.

<sup>14</sup> The indicators herein referred to are in line with the methodology we have defined in light of the set objective as well as in line with the specifics of the legislative power itself and the political system in the country.

<sup>15</sup> According to the data obtained from the official website of the Assembly, op.cit.

<sup>16</sup> Ibid.

MANDATE	ITEMS ON THE AGENDA
2002-2006	1543
2006-2008	715
2008-2011	2130
2011-2014	1910
2014-2016	2064
<b>TOTAL</b>	<b>1672</b>
<b>AVERAGE PER MANDATE</b>	<b>334</b>

**Table 9:** Items on the agenda for the sessions of the Assembly from 2002 to 2016 17.

MANDATE	NUMBER OF SUBMITTED LAWS	NUMBER OF ADOPTED LAWS
2002-2006	809	594
2006-2008	463	293
2008-2011	1636	982
2011-2014	1488	907
2014-2016	1635	1140
<b>TOTAL</b>	<b>6031</b>	<b>3916</b>
<b>AVERAGE PER MANDATE</b>	<b>1206</b>	<b>783</b>

**Table 10:** Laws submitted to and adopted by the Assembly from 2002 until 201618.

MANDATE	LAWS PROPOSED BY THE GOVERNMENT	LAWS PROPOSED BY MAS
2002-2006	567	26
2006-2008	289	4
2008-2011	800	28
2011-2014	888	19
2014-2016	1007	63
<b>TOTAL</b>	<b>3551</b>	<b>140</b>
<b>AVERAGE PER MANDATE</b>	<b>710</b>	<b>28</b>

**Table 11:** Number of law proposals which legislators had submitted to the Assembly in the period from 2002 until 201619.

17 Ibid.

18 Ibid.

19 Ibid.

As can be discerned from the presented data, during the period from 2002 until 2016 the Assembly compositions had been mainly occupied with adoption of legislation.

Each Assembly composition had convened about 122 sessions on the average per mandate, which is equal to 315 actual working days. Within these 315 days, the Assembly had adopted 334 laws on the average per a mandate period, implying that within one working day the MAs would adopt more than one law. The number of submitted law proposals is much higher than the number of laws being actually adopted. Based on the presented data, 1.206 law proposals on the average per mandate had been put forth to the Assembly for adoption, 783 out of which being actually adopted, which is 60% of the submitted law proposals. Furthermore, although the Assembly is, by definition, the holder of the legislative power, and the MAs should be the key authorized legislators (along the Government and 10.000 voters), in more than 95% of all law proposals submitted to the Assembly, the Government had been the actual law proponent.

Considering the above, the following conclusions can be drawn:

- › First, notwithstanding the fact that the MAs also have as per their mandate other authorizations to perform, the largest part of their activities had been related to reviewing law proposals or draft laws and to law adoption;
- › Second, the political majority in the Assembly is entirely dependent on the instructions and the dynamism imposed by the Government as the holder of the executive power;
- › Third, the political opposition in the Assembly does not entirely exhaust the possibilities for oversight over the executive power, as may be concluded from the exceptionally small number of proposed laws, but also from the submitted interpellation motions, the requests for casting a confidence vote in the Government etc.;
- › Fourth, the lack of reinforced legislative initiative on the part of MAs is a key indicator implying that the function of oversight over the executive power has been likewise very modest.

## **Oversight function**

The Assembly, inter alia, represents the branch of power in the state which has inherently within it important mechanisms for oversight over the performance of the executive power.

With due consideration of this fundamental function of the Assembly, its practical effectuation shall be analyzed through the following two indicators<sup>20</sup>:

- › First, the number of sessions of the Assembly devoted to MA questions;
- › Second, submitted and adopted interpellation motions to the Assembly.

<sup>20</sup> The indicators herein referred to are in line with the methodology we have defined in light of the set objective as well as in line with the specifics of the legislative power itself and the political system in the country.

MANDATE	NUMBER OF SESSIONS DEVOTED TO MA QUESTIONS
2002-2006	25
2006-2008	14
2008-2011	25
2011-2014	22
2014-2016	17
<b>TOTAL</b>	<b>124</b>
<b>AVERAGE PER MANDATE</b>	<b>25</b>

**Table 12:** Sessions dedicated to MA questions from 2002 until 2016<sup>21</sup>.

Considering the data from the representative sample, it can be concluded that about 25 sessions dedicated to MA questions have been convened on the average per an Assembly mandate. If we add to this the data suggesting that about 20 questions have been on the average addressed per session, the common conclusion that arises is that within a single mandate period, under the competence of oversight of the legislative over the executive power, somewhat more than 500 MA questions are addressed.

The majority of all MA questions are addressed at an Assembly session, which means that the MAs make a very little use of the possibility to address their questions in writing, thus anticipating the replies from the competent institutions in the scope of the executive power. At the same time, the character of the replies submitted by the institutions is likewise disputable, as one part of them has noticeably given rise to discontent and public reactions, as has been observed by the MAs in the opposition. Finally, it has to be emphasized that the MAs from the ruling parties frequently use their right to address MA question only for the purpose of promoting certain governmental projects (rather than as a form of oversight), which further relativizes the power and significance of this mechanism.

MANDATE	INTERPELATIONS	ADOPTED INTERPELLATIONS
2002-2006	6	0
2006-2008	7	0
2008-2011	11	0
2011-2014	4	0
2014-2016	2	0
<b>TOTAL</b>	<b>30</b>	<b>0</b>
<b>AVERAGE PER MANDATE</b>	<b>6</b>	<b>0</b>

**Table 13:** Interpellation motions submitted to and adopted by the Assembly from 2002 until 2016<sup>22</sup>.

<sup>21</sup> According to the data obtained from the official website of the Assembly, op.cit.

<sup>22</sup> Ibid.

Considering the data above, it may be concluded that in the period from 2002 until 2016, 30 interpellation motions against the work of the ministries in the government had been submitted, which on the average is 6 submitted interpellation motions within a single mandate period. Also, during the period from 2002 until 2016, not a single debate on the subject of interpellation motion had been resolved through actual dismissal of the respective member of the government against whom the interpellation motion had been raised. This situation points to two critical conclusions:

First, that the Assembly is an institution in the system of power whose primary objective is to oversee and implement the politics of the government led by the president of the government, who is most of the time president of the political party which holds the majority in the Assembly; and

Second, that the oversight of the legislative over the executive power is entirely limited, which, in a way, also distorts the system of the division of power, in particular when the said principle is viewed through the prism of the application of the principle of “checks and balances”.

## Conclusion

The Assembly as the holder of the legislative power represents a central authority by which, in reality, all key steps regarding the instituting of independence have been taken and effectuated: starting with the adoption of the Declaration of the Assembly of the Socialist Republic of Macedonia of 15<sup>th</sup> January 1991, whereby the need for „creation of autonomous, sovereign and independent Republic of Macedonia”<sup>23</sup> had been declared, through the adoption of the decision on organizing referendum on sovereignty and independence of 8 September 1991, and the respective Declaration adopted for that occasion<sup>24</sup>, all the way through the adoption of the Constitution of the state on 17 November 1991<sup>25</sup>.

Since then, the Assembly, by varying success and enthusiasm, has been accomplishing its competences, which, as mentioned earlier, mainly fall into the scope of three major areas.

As regards the function of representation, the conclusion is that it has been exercised at a satisfactory level. The nature of laws, as well as the nature of the political practice have promoted the Assembly as an institution which is reflecting in a corresponding manner the political, ethnical and confessional divergences of the country, though the minor challenge in this part to be further coped with is the gender representation, as it is still

<sup>23</sup> Declaration for sovereignty of the Socialist Republic of Macedonia, Assembly of the Socialist Republic of Macedonia, No. 08-220-1.

<sup>24</sup> Declaration on the occasion of the plebiscitary expressed will of the citizens for sovereign and independent Macedonian state of Macedonia, Assembly of Republic of Macedonia, No. 08-3786, 17.9.1991.

<sup>25</sup> Constitution of the Republic of Macedonia, op.cit.



being under-attained, notwithstanding it is more than obvious nowadays that there has been a continuous progress in this area with each and every new parliamentary electoral cycle and in each and every new subsequent Assembly composition.

As regards the second, legislative function, based on the sample we have taken for the purpose of preparing this analysis, it can be inferred that there has been a certain failure, in particular when considering the fact that the MA activities are predominantly aimed at and determined by the executive power, which is to the greatest extent the legislator and the one which takes the initiatives on the items to be discussed in the Assembly sittings. Apart from the great tendency of the government to influence the work of the Assembly, there has been a noted absence of reinforced legislative initiatives on the part of MAs, which additionally increases the Assembly dependence and subordination by the executive power. This „subordinate“ position of the Assembly very often reverberates in the saying that the MAs are instruments in the hands of the executive power. Not only do such assertions have negative impact on the reputation and authority of the Assembly in the system, but at the same time they lead to the distortion of the principle of the division of power as an inherent value in our constitutional system.

Finally, in the part of the oversight function, through the presented example on the use of the MA questions and interpellation motions, it may be concluded that the Assembly in continuity has been failing to achieve this important segment of its authorizations.

Considering the above stated weaknesses, one of the important questions that arises in the sense of finding the solutions for Assembly in which the citizens will have greater confidence and which will take more care for the needs of the state instead of taking care for the needs of the government (and of parties).

The facts presented herewith implying that the Assembly is in a subordinate position in relation to the Government, should be merely considered as a challenge to enact rectifications so as to be able to reach the state of more apposite functioning of the parliamentary democracy in the country. The lessons learnt from the three-decade practicing of parliamentary democracy represent a solid ground for embracing more essential changes in our political system by introducing new and more high-quality democratic mechanisms aimed at reinforcing the institutional responsibility.

The lessons learnt should be taken as a depository of experience intended to produce a better quality definition of the positions of the Assembly, and in particular of the accountability that MAs have before the citizens, as well as to enable a consistent respect of the rule of law and the division of power as two fundamental tenets on which our political and constitutional system has been founded.



## Bibliography

1. Lichbach, Mark Irving, and Alan S. Zuckerman, eds., *Comparative Politics: Rationality, Culture and Structure*, Cambridge University Press, New York, 1997.
2. Ирена Пејић, *Парламентарно право*, Центар за публикации, Ниш, 2006.
3. Lazar Marković, *Parlamentarno pravo*, Ekopres, Beograd, 1991.
4. Jovanović, P., N. Dimitrijević, M. Popović, *Savremene politički sistemi*, Beograd, 1998.
5. Саво Климовски, Тања Каракамишева Јовановска, Александар Спасеновски, *Политички партии и интересовни групи*, Правен факултет „Јустинијан Први“ и Фондација „Конрад Аденауер“, 2016.
6. Гордана Силјановска Дафкова, Тања Каракамишева Јовановска, Александар Спасеновски, *Парламентарно право*, Правен факултет „Јустинијан Први“ и Фондација „Конрад Аденауер“, 2020.
7. Declaration on Sovereignty of Socialist Republic of Macedonia, Parliament of Socialist Republic of Macedonia, No. 08-220-1.
8. Declaration on the occasion of the plebiscitary expressed will of the citizens for sovereign and independent Macedonian state of Macedonia, Parliament of Republic of Macedonia, No. 08-3786, 17.9.1991.
9. Constitution of the Republic of Macedonia, “Official Gazette of the Republic of Macedonia” No.: 52, 22.11.1991.
10. Amendments to the Constitution of the Republic of Macedonia, “Official Gazette of the Republic of Macedonia”, No. 6, 12.1.2019.
11. Rules of Procedure of the Assembly of the Republic of Macedonia, “Official Gazette of the Republic of Macedonia”, No.: 91, Skopje, 2008.
12. Rules of Procedure on Amendments and Addenda to the Rules of Procedure of the Assembly of the Republic of Macedonia, “Official Gazette of Republic of Macedonia”, No: 119, Skopje, 2010.
13. Rules of Procedure on Amendments and Addenda to the Rules of Procedure of the Assembly of Republic of Macedonia, “Official Gazette of Republic of Macedonia”, No.: 23, Skopje, 2013.
14. Law on the Assembly of Republic of Macedonia, “Official Gazette of Republic of Macedonia”, No.: 104, Skopje 2009.
15. Гордана Силјановска - Дафкова, Тања Каракамишева – Јовановска и Александар Спасеновски, *Парламентарно право*, Правен Факултет „Јустинијан Први“ и Фондација „Конрад Аденауер“, 2020.

