

YEAR 17

No.

58

December
Skopje 2019

POLITICAL THOUGHT



85
ГОДИШНИК
17

ПОЛИТИЧКА МИСЛА

POLITICAL THOUGHT

YEAR 17
No.
58

POLITICAL THOUGHT

■ YEAR 17, NO 58,
DECEMBER, SKOPJE 2019

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:

Johannes D. Rey	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
Mitropolit Teodosij Gologanov 42A/3 MK - 1000 Skopje;
Phone/ Fax: 02 30 94 760; E-mail: contact@idscs.org.mk;
Internet: www.idscs.org.mk
E-mail: map@yahoo.com

Printing: Vincent grafika - Skopje
Design & Technical preparation: Pepi Damjanovski
Translation: Tiina Fahrni, Ognena Nikuljska
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.

Year 17, No 58, December
Skopje 2019
ISSN 1409-9853

| Contents

- | 5** AN ALTERNATIVE VISION FOR THE BALKANS: CITY INITIATIVES AS A VEHICLE FOR RECONCILIATION AND PROGRESS
Leonidas Makris

- | 15** BOOK REVIEW: “HUMAN RIGHTS AND MINORITY RIGHTS PROTECTION BY MULTIPLE DIVERSITY GOVERNANCE” EDITED BY JOSEPH MARKO, ASSISTANT EDITOR SERGIU CONSTANTIN
Zoran Ilievski

- | 19** THE TRANSFORMATION OF THE MACEDONIAN PARTY SYSTEM: FROM MONISM TOWARDS PLURALISM
Aleksandar Spasenovski

- | 39** ESPING ANDERSEN’S TYPOLOGY OF WELFARE STATE AND THE POST-COMMUNIST BLOC
Orhan Ceka, Avni Arifi

- | 53** THE EUROPEAN UNION AND THE RISE OF CHINA: ARE THERE ANY COUNTERMEASURES FOR PROTECTING EUROPEAN INTERESTS?
Goran Ilik

- | 69** THE ETHICAL CODE FOR MEMBERS OF PARLIAMENT AS AN INSTRUMENT FOR FIGHTING POLITICAL CORRUPTION
Tome Gushev

Short Biography



Dr. **Aleksandar Spasenovski** is a professor at the Institute for Constitutional Law and Political System at the Faculty of Law Iustinianus Primus at “Ss. Cyrill and Methodius” University in Skopje. His main research interests are political parties and interest groups as well as contemporary political systems.

Spasenovski wrote his doctoral thesis on a topic concerning the constitutional and legal status of religions and religious freedom.

In 2006, 2008 and 2011, Spasenovski was elected Member of the Assembly. From 1999 to 2006, he was scholar of the Konrad Adenauer Foundation.

Email: a.spasenovski@pf.ukim.edu.mk

Изворна научна статија

УДК: 316.423.2:321(497.7)
321.7(497.7)(091)

Aleksandar Spasenovski

THE TRANSFORMATION OF THE MACEDONIAN PARTY SYSTEM: FROM MONISM TOWARDS PLURALISM

INTRODUCTION

The evolution of the Macedonian party system from monism towards pluralism advanced in line with the overall transformation of the constitutional and legal system, from socialism towards democracy. In the light of those tectonic shifts, there are very few events in our recent political history that could be described as utterly positive. The transformation of the Macedonian party system from monism towards pluralism was one of the positive examples, developing “top-down, led by the state leadership” rather than “bottom-up, under pressure from the citizens”, as was the case in Romania, for example.

Against the background of the aforementioned, the study at hand presents an overview of the exceptionally significant transformation process. We will not

only focus on the analysis of the events, but also on the laws and decrees that brought about the democratic transformation.

The development of the party system of the Socialist Republic of Macedonia can be divided into three phases:

- the phase of explicit political monism, which lasted until 29 November 1989;
- the phase of transition from political monism towards political pluralism, from 29 November 1989 to 13 April 1990;
- the phase of establishing political pluralism, from 13 April 1990 to 8 September 1991.

The event that marked the divide between the first and the second phase was the Tenth Congress of the League of Communists of Macedonia that took place from 27 to 29 November 1989. The third phase was initiated when the Law on Changes and Amendments to the Law on Citizen Organisations and Associations entered into force on 13 April 1990. Furthermore, the Constitution of the Socialist Republic of Macedonia as of 1974 was changed and the Law on Elections and the Dismissal of Members of Parliament and Committee Members entered into force on 21 September 1990

The third phase started with the referendum on independence on 8 September 1991, when the citizens chose to leave the socialist past behind and opted for a democratic, independent and sovereign state.

1.1. FEATURES OF POLITICAL MONISM

(FIRST PHASE)

Before the process of political pluralisation was initiated in the late 1980s, the sole political entity in charge of institutions and policies was the League of Communists of Yugoslavia (LCY) with its regional branches in the federal republics of the Socialist Federal Republic of Yugoslavia (SFRY). Thus, in the Socialist Republic of Macedonia (SRM), the monopoly of political power was with the League of Communists of Macedonia (LCM).

During that time, in the SFRY and thus the SRM, apart from the League of Communists, there were some other formations that were politically active, so that, in the formal sense and on the level of self-determination, there was no monism of political power, but a certain type of political pluralism. Other organisations of political activity were the Socialist Alliance of Working People of Macedonia (SAWPM), the Trade Union, the Youth Organisations, and other similar associations. However, those organisations were merely different forms,

but actually controlled by the ruling party. Therefore, the party system of the SRM was a one-party system, i.e. the SRM was a politically monistic republic.

Up to the Tenth Congress of the LCM in November 1989, there had been some autonomous types of citizen associations apart from the aforementioned organisations that were controlled by the ruling party, namely non-governmental organisations mainly dedicated to issues related to ecological progress.¹

The events in the most liberal of all republics of the SFRY, Slovenia, had a particular impact on the processes of political pluralisation in the SRM. As early as the beginning of the 1980ies, the wave of liberalisation and democratisation that had seized the Eastern European states, especially Hungary and Poland, reached Slovenia, and similar political movements and organisations were established.² For this reason, the phenomenon that spread from Slovenia to the other republics of the SFRY is also referred to as the “Slovenian syndrome”. The subsequent acceleration of democratisation processes in the SRM was significantly influenced by that syndrome.

In the late 1980ies and early 1990ies, when there was still no procedure for registering parties as legal entities, various initiatives that pursued political goals were established. Most of them called themselves “movements”, such as the Movement for All-Macedonian Action, or “leagues”, such as the League for Democracy. Those political associations are likely to have deliberately chosen to avoid the use of the word “party”, fearing negative reactions from the socialist institutions, since the sole legitimate political entity was still the League of Communists. Obviously, the processes towards political pluralism and democratic openness developed similarly in the other republics of the SFRY.

The League of Communists of Slovenia (LCS) had a pioneering role in initiating the transition towards political pluralism in the SFRY. In Slovenia, the decision in favour of a pluralistic political system was made in July 1989, four months before the Macedonian Communists followed. Certainly, we should keep in mind that the decisions of the Communist leaders in all the republics of the SFRY, including the SRM, were strongly influenced by the tectonic shifts caused by the fall of communism in Eastern Europe.³

It was in 1989, the year of the Tenth Congress of the LCM, that the Polish communists legalised the Solidarnosc movement (January) and initiated formal talks with its representatives (February), with the result that the political

1 See: Cane Mojanoski, *Letopis na makedonskata demokratija*, Pakung, Skopje, 2000., p. 13.

2 The people’s uprisings in Eastern European states initiated the collapse of communism. The events started in Poland in 1989, and continued in Hungary, East Germany, Bulgaria, Czechoslovakia and Romania. The Soviet Union was dissolved in 1991, following the decision of the Russian Federation and 14 other Soviet Republics to declare their independence. Between 1990 and 1992, the communist/socialist system also collapsed in Albania and the SFRY. These processes had an impact on other socialist states beyond the European continent, such as Cambodia, Ethiopia and Mongolia, in which the state order also came to an end. (See: Bartłomiej Kaminski, *The Collapse Of State Socialism*, Princeton University Press, Princeton, New Jersey, 1991).

3 See: Ratko Marković, *Ustavno pravo i političke institucije, IPD Justinjan, Belgrade*, 2006, p. 306-335.

movement was granted legal status (April) and parliamentary elections were held (June). The elections were won by the anti-communists, and for the first time in 42 years, a non-communist prime minister was elected.

Three months before the LCM's Congress in Macedonia, millions of citizens in Estonia, Latvia and Lithuania gathered in everyday protests for liberty and independence, forming a human chain of more than 600 kilometres.

Two months before the Congress, the process of democratic transition was finalised in Hungary, and one month prior to it, Erich Honecker, the communist leader of the German Democratic Republic, had to give up leadership of the party, initialising a process which would eventually result in the reunification of Germany in 1990.

In Bulgaria, just a few days before the LCM's Congress took place, after 45 years of communist rule, the party leader stepped back, and his successor changed its name into Bulgarian Socialist Party (BSP).

Finally, on the very day of the Tenth Congress of the LCM, the communist party of Czechoslovakia announced that it would give up the monopoly of political power. The subsequent elections in December 1989 resulted in the first non-communist government in 40 years.

As opposed to general conditions in liberal Slovenia and other East European states, democratic and pluralistic ideas could not be implemented in Socialist Macedonia without tremor, which was generally due to the following five circumstances:

- insecurity and lack of strategy of the LCM towards the pluralisation and democratisation processes that were taking place not only in Eastern Europe, but also in the SFRY and thus the SRM;
- the lack of a common position, i.e. a strongly divided opinions within the LCM;
- the lack of significant historical experience with democratic pluralism and market economy, since the Macedonian people had never experienced statehood of their own, always having been under someone's yoke until becoming the SRM within SFRY;
- caused by the aforementioned, the lack of a political or societal elite (other than the existing socialist elite) which would be more aggressive in insisting on establishing a pluralistic political system;
- linked to this, there was no powerful democratically oriented political diaspora with strong international ties and the capacity to boldly support the democratic transition, as was the case in Slovenia and, in particular, Croatia.

Hence, the insecurity, lack of strategy and division within the LCM, which had to carry out the process of democratic transition in the SRM, was most evident during the Tenth Congress of the party which had been the sole political entity until then.

1.2. THE TRANSITION FROM POLITICAL MONISM TO POLITICAL PLURALISM

(SECOND PHASE)

The Tenth Congress of the LCM was a milestone in the further development of the SRM as a democratic state, as opposed to the, to some extent, authoritarian socialist past.

Unlike in the states of the communist block where the processes of democratic pluralisation were more dramatic, in the SRM, the atmosphere in society before the Congress was completely different. Some authors have interpreted this as an indicator for Macedonia having been rather conservative at that time,⁴ so that it would be difficult to carry out democratic pluralisation processes under those circumstances. However, there were also pro-democratic activities within society, albeit with less publicity, such as the ideas on the political and social rehabilitation of some opponents of the LCM's political monopoly who had been marginalised and impeded by the system, for instance Prof. Dr. Slavko Milosavljević.⁵

There were two wings within the LCM regarding their opinion on pluralisation and democratisation:⁶ the conservatives and the liberals.

The most distinct representatives of the LCM's two wings were the conservative Mikhail Danev and the liberal Petar Gošev. After Jakov Lazarevski had resigned from the leadership of the LCM in 1989, both Danev and Gošev ran for president of the party,⁷ a race which was ultimately won by Gošev, who became the last leader of the League of Communists in the Socialist Republic of Macedonia.

The conservative wing of the LCM was committed to introducing so-called "non-party pluralism", a term that they understood as the establishment of a system which would see the LCM keep their position as the sole party in the state, but

4 See: Cane Mojanoski, *Letopis na makedonskata demokratija*, Pakung, Skopje, 2000, p. 11.

5 Slavko Milosavljević (1928-2012) was a Macedonian dissident. When the Yugoslavian communist leadership was at the peak of its fight against liberalism and nationalism, in 1972, Milosavljević had to resign from his office as Secretary of the LCM. The following year, the LCM leadership excluded him from its basic organisation at the Law Faculty in Skopje, for which reason his employment was also discontinued. As a result of this development, among others, Milosavljević emigrated to the USA in 1974, but returned to Macedonia. When the political monopoly of the LCM was being terminated, he participated in establishing the Social Democratic Party of Macedonia (SDSM). (See: Dimitar Mirčev, *Zaminuvanjeto na Milosavljević*, dnevnik.mk, 18.10.2012.; Denko Maleski, *Vo spomen na Slavko Milosavljević*, okno.mk, October 2012.)

6 See: Aneta Jovevska, *Izborite fokus na političkiot život*, Dijalog No. 6, Skopje, 1994, p. 81.

7 In communist parties, including the LCM, the leader was called secretary general, a function which was similar to the president in democratic political parties.

at the same time allow “legally organised pressure groups” to be legal entities. The latter were envisaged as organisations that unite groups of individuals with certain ideological and programmatic interests realised by means of legally determined ways of communication with the LCM-led state. Some authors use the terms “lame” or “crippled” pluralism when referring to the project of non-party pluralism,⁸ since it insists on a compromise between two incompatible concepts: political pluralism, which is based on various parties competing for the citizens’ trust under fair conditions, and political monism, which is an authoritarian concept based on one party having the monopoly of power over the institutions and the state.

In opposition to the conservatives, the LCM’s liberal wing introduced a concept of democratic political pluralism, which, contrary to totalitarian ideologies, recognises the existence of diverse political parties and interest groups which define different individual and group interests and, in compliance with democratic rules, compete for the trust of citizens at general and direct elections in order to govern the state.

At the Tenth Congress, the ideas of the liberals prevailed, and thus the decision to build the SRM as a “democratic, citizens’ and social state” and to “abolish the power monopoly of the LCM” was made.⁹ Thereby, the political conditions for initiating the process of political pluralisation were created.

Hence, renouncing the communist rule in the SRM can be labelled with the term “top-down change”, since it was realised without any mass protests or revolutions for introducing political pluralism, as had been the case in Hungary and Bulgaria - as opposed to the negative examples of street protests in Poland, Czechoslovakia and the German Democratic Republic.

According to the decisions of the last LCM Congress, its president Petar Gošev formed an Expert Committee¹⁰ to prepare platforms (documents, plans, strategies) for establishing political pluralism and market economy, an advisory body that is often referred to as the “Gošev Committee”. The Committee comprised about 30 members, mostly professors and scientists, but also some politicians, including Kiro Gligorov, Nikola Kljusev, Gordana Siljanovska, Dimitar Dimitrov, Denko Maleski, Ljubomir Frčkoski, Lazar Kitanovski, Dimitar Mirčev and Jane Miljoski, among others. Some of the members would later become high state and political officials, such as Kiro Gligorov, who was elected first president of the independent Republic of Macedonia, and academician Nikola Kljusev, who was elected its first prime minister. Maleski, Dimitrov, Siljanovska, Frčkoski and Miljoski were ministers in the first Macedonian government, while Mirčev was

⁸ See: Aneta Jovevska, *Izborite fokus na političkiot život*, op. cit.

⁹ See: Slavko Milosavljević, „Istočna Evropa pomeđu egalitarizmot i demokratijata“, Ljuboten, Skopje, 1993, p. 140.

¹⁰ See: Utrinski vesnik, *Intervju Petar Gošev: Po porazot vo 1990 godina, sakav da se povlečam od politikata*, No. 1929, 16.10.2006.

appointed the first ambassador of the Republic of Macedonia to Slovenia. One of the results of the Expert Committee's work was that the last socialist government of the SRM,¹¹ led by Gligorie Gogovski, adopted all necessary acts to carry out the first multi-party elections in Macedonia.¹²

During the time between the Congress of the LCM and the adoption of the changes to the Law on Citizen Organisations and Associations, the first forms of political organisation started to appear, with the Movement for All-Macedonian Action carrying out its constitutive assembly on 4 February 1990 and the League for Democracy on 11 February 1990, both in Skopje. Three other parties also held their founding assemblies (or adopted their founding decision) during this period: the Party of Macedonian Workers' Unity on 3 March 1990 in Prilep, the Social Democratic Party of Macedonia on 18 March, and the National Party of Macedonia on 12 April 1990, both in Skopje.

1.3. ESTABLISHMENT OF POLITICAL PLURALISM

(THIRD PHASE)

The process of democratic transformation in the SRM was initiated by the adoption of the three following legislative decrees:

- the Law on Changes and Amendments to the Law on Citizen Organisations and Associations on 13 April 1990;¹³
- the Amendments to the Constitution of the SRM of 1974 on 21 September 1990,¹⁴ and
- the Law on Elections and the Dismissal of Members of Parliament and Committee Members on 21 September 1990.¹⁵

The chronological order shows that introducing political pluralism into the SRM did not start from amendments to the Constitution, but from a change in legislation. The basic principle of subordination of lower to higher legal provisions was not respected, i.e. instead of the law being brought into compliance with the constitution, the constitution was amended to comply with the previously adopted legal amendments, with which the monopoly of the ruling LCM was abolished and founding additional parties was allowed. However, during that time, Macedonia was haunted by an atmosphere of uncertainty and fear, whereas conflicts in the other parts of the SFRY were getting more dramatic

11 In the SRM, the government was called executive council.

12 See: *Utrinski vesnik, Intervju Petar Gošev: Po porazot vo 1990 godina, sakav da se povlečam od politikata*, op. cit.

13 *Law on Changes and Amendments to the Law on Citizen Organisations and Associations*, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 12, Skopje, 13.4.1990, p. 237-239.

14 *Decree to promulgate Amendments LVII - LXXXI to the Constitution of the Socialist Republic of Macedonia*, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 28, Skopje, 21.9.1990, p. 506-511.

15 *Law on Elections and the Dismissal of Members of Parliament and Committee Members*, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 28, Skopje, 21.9.1990, p. 513-519.

while the state was falling apart. In the Eastern Bloc, meanwhile, the process of democratic changes and velvet revolutions was in full swing. The order of legislative changes in Macedonia might well have been influenced by those events.

1.3.1. THE LAW ON CHANGES AND AMENDMENTS TO THE LAW ON CITIZEN ORGANISATIONS AND ASSOCIATIONS

The establishment of the legal framework for founding political parties was initiated by the adoption of the Law on Changes and Amendments to the Law on Citizen Organisations and Associations on 13 April 1990.¹⁶ This law was adopted about five months after the last Congress of the LCM, where the decision to establish political pluralism and to abolish the monopoly of the ruling party had been made. The Assembly of the Socialist Republic of Macedonia adopted the law on 12 April 1990, and the president of the presidency of the SRM signed the decree on its enactment on the same day. On the very next day, it was published in the Official Gazette. Subsequently, with regard to the fact that the amendments changed the main idea of the legal text as of 1983,¹⁷ the adjusted text was published in the next issue of the Official Gazette on 21 April 1990.¹⁸

The first law on citizen organisations and associations in the SRM, adopted in 1983,¹⁹ regulated the “way of realisation of the freedom of association of the working people (Article 1) in order to fulfil their interests and rights of self-government [which are] in accordance with the common interests of the socialist society (Article 2) and based on the socialist relations of self-government (Article 3)”. Hence, according to this law, citizens had the right to form associations for engaging in a broad range of educational, cultural, technical and sports activities (Article 2), but not in political activities (Article 3). In comparison, the amendments of April 1990 to the law as of 1983 were utterly dramatic and radically changed its initial intention. The amendments were completely in line with the fundamental decision of the LCM to abolish political monism and introduce pluralism. Unlike the initial law, the amended law now regulated how citizens could unite in organisations and citizen associations (Article 1) based on free and voluntary choice [...] for engaging in different activities, including political ones (Article 2, paragraph 1). Hence, citizens who decided to team up in

¹⁶ *Law on Changes and Amendments to the Law on Citizen Organisations and Associations, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 12, Skopje, 13.4.1990, op. cit.*

¹⁷ *Law on Citizen Organisations and Associations, Official Gazette of the Socialist Republic of Macedonia, XXXIX, No. 32, Skopje, 11.11.1983, p. 625-630.*

¹⁸ *Law on Citizen Organisations and Associations (revised text), Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 13, Skopje, 13.4.1990, p. 253-256.*

¹⁹ *Law on Citizen Organisations and Associations, Official Gazette of the Socialist Republic of Macedonia, XXXIX, No. 32, Skopje, 11.11.1983, op. cit.*

order to realise political interests and goals, “can unite as political organisations, parties and other types of political organisations” (Article 2, paragraph 3).

With the amendment to Article 2 of the Law as of 1983, the SRM introduced political pluralism. With the amendments concerning other articles of the law, other issues were dealt with, such as founding, registration, financing, closure, etc. of citizen organisations and associations, including political parties, political movements and other types of political citizen organisations.

With regard to the topic of the present paper, Article 12 of the Law is of particular significance.²⁰ That provision stipulated that for founding an association (hence, also a political party) it was necessary for at least ten citizens of full age with permanent residence in the territory of Macedonia to express their will to do so. This liberal condition is evident proof that the then state leadership was honestly willing to establish political pluralism in the SRM and repeal the monopoly of the LCM. Further conditions set by the amended law were just as easy to fulfil: in order to register a political party, it was necessary for it to have a statute that defined its goals and tasks, its organisational form and internal setup, its name and seat, conditions and ways of becoming a member, as well as rights, duties and competences of the members, ways of representation, how funds would be used, how the public would be informed about activities (Article 10) and similar information.

The next step, according to Article 13, was to hold a founding assembly and adopt the statute and the founding decree, containing the names of the founders, the party’s name and seat, its goals and tasks, and the name of the person authorised to carry out the registration. Notably, with the amendment of the law, paragraph 3 of Article 20 was deleted, according to which the founders had been obliged to obtain an assessment from the Socialist Alliance of the Working People of Macedonia on whether the formation of the organisation was in the social interest. This deletion contributed to eliminating obstacles on the way to political pluralism.

According to Article 15 of the Law, the third step was for the authorised person to submit the statute and the decree adopted at the founding assembly to the office of the Ministry of the Interior (Moi) in the municipality where the party had been founded. The Moi kept a register of associations and citizen organisations, including parties. The fact that it was the Moi rather than some other, non-repressive body which was responsible for registering parties can be seen as a restraint or unfavourable condition for citizens to realise their right to free political association. The Moi was authorised to issue a confirmation on the registration of a political party, and by this act, the party was considered a legal

²⁰ Law on Citizen Organisations and Associations (revised text), *Official Gazette of the Socialist Republic of Macedonia*, XLVI, No. 13, Skopje, 13.4.1990, op. cit.

entity. Hence, with the amendments to the Law, registering a party was intended to be made easier. Namely, if the MoI would not issue a confirmation within 30 days, the political party would automatically be considered to be registered from the following day (Article 16). If the MoI held that the statute or founding decree were not in compliance with the law and the Constitution, it had to inform the applicant about the mistakes, which the latter could correct within 30 days (Article 19, paragraph 2). If the MoI decided to reject the application to register a political party, the latter had the right to submit an appeal. If the MoI rejected the application a second time, the applicant had the right to lodge a complaint with the Supreme Court of Macedonia as the court of final instance (Article 21).

Apart from the registration, the Law regulated two events:

- the ban of a party, and
- the discontinuation of a party's activity.

The difference between the two events was that, in the first case, a party would be closed against its own will by state institution because of some non-constitutional or illegal activities, while in the second case, the party decided itself to discontinue its activity, or the interest in its existence would have decreased below the level determined by law. According to Article 23, an already existing party could be banned in the following cases:

- if it demolished the foundations public order determined by the Constitutions;
- if it jeopardised the state's independence;
- if it violated human rights and freedoms;
- if it posed a threat to peace;
- if it incited ethnic, racial or religious hatred or intolerance;
- if it incited criminal offences, or
- if it offended public morality.

The responsible institution was the Regional Court (Article 24), with a right to appeal to the Supreme Court, which however did not have a postponing effect (Article 26).

According to Article 22 of the Law, a political party would discontinue its activities in the following cases:

- if it was so decided by the members, or
- if the number of party members had decreased below the necessary number of founders, i.e. if it had less than ten members.

Apart from founding political parties (as a type of citizen organisations and associations), their activities and their ban and discontinuation, the Law

regulated issues regarding the acquisition and use of funds, commercial activity, and penal provisions.

After the Law had come into effect, 19 more political parties were formed in Macedonia, so that their total number was 23 by the end of 1990. The most important parties (with regard to results at subsequent elections) were:

- the Party for Democratic Prosperity (PDP), which held its founding assembly in Tetovo on 15 April 1990, two days after the Law was adopted;
- the Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity (VMRO-DPMNE), which held its founding assembly on 17 June 1990, two months after the Law was adopted;
- the League of Communists of Macedonia - Party for Democratic Change (LCM-PDP, later the Social Democratic Party of Macedonia, SDSM), which only had to submit an application for registration on 3 July 1990, since it was the legal successor of the LCM;
- the Socialist Party of Macedonia (SPM), which held its founding assembly in Skopje on 13 July 1990, three months after the Law was adopted.

Apart from the newly founded parties, the LCM was also active on the new pluralistic political stage. The party underwent a fundamental change and revised its ideological and programmatic postulates in accordance with the overall tectonic shifts and processes. The LCM was transformed into LCM-PDP and later into SDSM. Hence, the party discontinued its programme and ideology from the socialist period, accepting the principles of social democracy.

Against the background of the huge transformation of the LCM regarding its internal structure, its name and its overall activity, one can ask whether it is correct to talk about one and the same political party.

In comparison, in Slovenia and Croatia, the former communist parties completely denied continuity with regard to the parties they originated from, while in Macedonia (like in Serbia and Montenegro), they emphasised stemming from them. Anyway, in accordance with the respective analyses, we can conclude that there is an organisational continuity between the LCM, the LCM-PDP and SDSM, as we can see from the gradual transition of the party symbols and name as well as the relevant provisions of the statute.

As a result of the creation of respective legal and political circumstances, 23 political parties were registered in Macedonia in 1990. For comparison, during the same year, 24 political entities were registered in Montenegro, 40 political parties were registered in Croatia, and 124 in Slovenia. A similar development took place in the Eastern European states. Namely, in Hungary, there were 120

parties by the end of 1989, and by the end of 1991, there were 61 parties in Bulgaria and 300 parties in Poland.

From the above mentioned, we can see that, throughout the entire former Socialist and Communist Block, the previous political monism was being replaced by its opposite: a process of “atomisation of party systems”, as it has been labelled in theory, during which a wide range of political parties was formed. However, after that initial wave of euphoria, the situation stabilised towards the end of the 1990ies, when a few dominant political entities gained the support of a large part of the citizens in the states mentioned. Slovenia is the best example of this process, with its over 100 parties registered in 1994, a number that had decreased to 32 by the end of 2001.²¹

The explosive development of new political entities in Macedonia leads us to the following conclusions:

- citizens had been unhappy with the previous system, which had been authoritarian to some extent, i.e. democracy and political pluralism were strongly accepted;
- society was highly fragmented along ethnic, social and ideological lines, reflected in the high number of parties that were founded;
- those ideological, ethnic, religious and social groups which had been suppressed during the time of partly authoritarian socialism experienced an increased urge to catalyse their ideas and programmes into parties;
- there was a “desire for the new”, a certain idealism, which had a stimulating impact on forming new political parties.

1.3.2. THE AMENDMENTS TO THE CONSTITUTION OF THE SOCIALIST REPUBLIC OF MACEDONIA AS OF 1974

On 20 September 1990, the Assembly of the Socialist Republic of Macedonia adopted 25 amendments to the Constitution of the SRM as of 1974.²² These constitutional changes were as drastic as the legal amendments with which the political monopoly of the LCM had been abolished. The constitutional amendments concerned a wide range of issues, redefining Macedonia as a state on its way to democratic pluralism and market economy.

With the Amendments to the Constitution, the following issues were defined differently:

²¹ See: Ratko Marković, *Ustavno pravo i političke institucije*, IPD Justinjan, Belgrade, 2006, op. cit.

²² *Decree to promulgate Amendments LVII - LXXXI to the Constitution of the Socialist Republic of Macedonia*, Official Gazette of the Socialist Republic of Macedonia, rod.: XLVI, No.: 28, Skopje, 21.9.1990, op. cit.

- human and citizen rights and freedoms (Amendment LXX), including the issue of Macedonian emigrants and the Macedonian people in the neighbouring states;
- the character of the state power, regarding the following issues:
 - the representation of citizens in the institutions (Amendment LXXVI and Amendment LXVIII);
 - the status of local self-government (Amendment LXIX);
 - the status of the judiciary (Amendment LXXI) including the Supreme Court (Amendment LXXVIII);
 - the status of the Assembly of Macedonia (Amendment LXXIV),
 - the status of the Government (Amendment LXXVI);
 - introduction of the functions President and Vice President of Macedonia (Amendment LXXV); and
 - the status of the National Bank (Amendment LXXII);
- property (Amendment LIX and Amendment LX) and economic policy (Amendment LXIII);
- carrying out the functions of Macedonia (Amendment LXIX and Amendment LXXIII);
- the organisation of the agencies (Amendment LXV).

The phrase “the working class and all working people hold the power and the government”²³ was erased from the Constitution and replaced by the statement that “the citizens hold the power via elected representatives in the Assembly, the municipality and the city”²⁴ (Amendment LXVI).²⁵ This fundamental definition was completed by restrictions to political organisation and activity of the citizens (Amendment LXX), still maintaining the following prohibitions:

- to incite violent change of the constitutional order;
- to jeopardise the independence and territorial integrity of the SRM and the SFRY;
- to violate the human and citizen rights and freedoms;
- to incite ethnic, racial or religious hatred or intolerance.

We should emphasise here that the citizens’ right to political organisation and activity was defined only in a very general way, pointing at further definition by means of a respective law (Amendment LXX). At that time, the law that regulated

23 See: Article 109, *Constitution of the Socialist Republic of Macedonia*, Official Gazette of the Socialist Republic of Macedonia, XXX, No. 7, Skopje, 25.2.1974, p. 106-162.

24 According to the amendments, the citizens that realised their power by means of referendums, at gatherings, and by means of other types of debates.

25 See: Amendment LXXVI, *Decree to promulgate Amendments LVII - LXXXI to the Constitution of the Socialist Republic of Macedonia, Amendments to the Constitution of the Socialist Republic of Macedonia*, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 28, Skopje, 21.9.1990, op. cit.

the founding and work of the parties had already been adopted, namely the Law on Changes and Amendments to the Law on Citizen Organisations and Associations discussed above.²⁶ According to the rules now defined by the amendments, the citizens would elect representatives from the ranks of the “political organisations and other forms of organisations and associations” on a local and central level, with a mandate of four years (Amendment LXVIII). Considering the cited provision, it remains unclear why the term “political parties” was not used, and “political organisations” were referred to instead, since the term “party” was used in the above mentioned law.

The fact that the word “party” was avoided points at three conclusions at least:

It can be seen as symbolical step backwards from the achieved progress with regard to abolishing the monopoly of the LCM and the introduction of a multi-party system.

It can be interpreted as a sign that the conservative wing of the LCM could put forth its ideas here. Before being defeated at the Tenth Congress, the conservatives had been in favour of introducing a system of “non-party pluralism” (rather than “democratic pluralism”) which would not allow political organisations to hold the status of a political party, foreseen solely for the LCM.

Leaving the issue of citizens’ political organisations to be regulated in detail by a law could indicate that there was a certain insecurity regarding the (ir)reversibility of the entire process of democratic pluralisation, i.e. the disintegration of communism and socialism, having in mind that changing the Constitution is far more complex and politically more difficult than amending a law. Therefore, if the word “party” would have been used instead of “political organisation”, all political opinions against a democratisation of the SRM would have been additionally marginalised. The chosen wording left room for future manoeuvre, if necessary, so that changing conditions related to (not) introducing pluralism and (not) abolishing the LCM’s monopoly, as well as (not) becoming a true democracy could have been legally managed in a relatively easy way.

Concerning the issue of political organisation, another two provisions of the Constitution have to be considered:

The amendments redefined the LCM’s position with regard to the restrictions and involvement of religious organisations in politics. The change was introduced by Amendment LXX, which stipulated that all citizens of Macedonia are equal regarding their rights and duties, regardless of a range of criteria, including religion (point 1). Paragraph 3, point 5 stipulated that religious communities cannot establish political organisations. Point 1

²⁶ *Law on Citizen Organisations and Associations (revised text)*, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 13, Skopje, 13.4.1990, op. cit.

replaced Article 204, paragraph 1 of the Constitution of the SRM as of 1974,²⁷ which did not guarantee the right to equality to the citizens, and point 5 of Paragraph 3 supplemented Article 225²⁸ which stipulated the prohibition of misusing religion for political goals. Those two changes provided that religious organisations were forbidden to participate in political processes by means of establishing their political parties. Nevertheless, now that the provision that banned using religion for political goals had been eliminated, religious organisations were allowed to present their opinions and suggestions on state issues in public.

The President and Vice President of Macedonia did not have the right to hold a function within a party (Amendment LXXV), among others. When the amended Constitution was in force, Kiro Gligorov was President of the Republic, and Ljubčo Georgievski was Vice President. Gligorov did not hold any function within the LCM-PDP/SDSM, even though that was the party he promoted and which he was affiliated to. Georgievski, however, who was president of the political party VMRO-DPMNE when he was elected Vice President, continued to carry out his function within the party even after his election.

With regard to the party system, the Constitution was not explicit on the matter of the parties' basic goal – to win elections and thus to gain the opportunity to govern the state. According to Amendment LXXIV, which dealt with the legislative power, the members of parliament elected the president and the members of the government. Meanwhile, according to Amendment LXXV, it was the state president who had the right to propose the candidate for president of the government to the members of parliament. Amendment LXXVI, in turn, stipulated that the state president consult with all parties before proposing a prime minister, however, it was his own decision whom to choose as candidate.

From the way the procedure of proposing a president of the government was described, we can draw three conclusions:

The state president was provided great autonomy regarding the proposal of a president of the government to the parliament, since he was not explicitly obliged to assign the task of forming a government to the most numerous political group. Hence, in theory, the state president could propose a candidate who was a member of a party that did not have the trust of a majority of citizens.

In this situation the basic principle of representative democracy was relativised, namely, that the political party that wins a majority of votes at elections has the right to govern the state, which involves the right to be the first to propose a

²⁷ *Constitution of the Socialist Republic of Macedonia*, Official Gazette of the Socialist Republic of Macedonia, XXX, No. 7, Skopje, 25.2.1974, op. cit.

²⁸ *Ibid.*

candidate for president of the government and thus be the first to attempt to form a government.

In those times of uncertainty, the chosen legal solution can be interpreted as a conscious intention to stimulate the formation of broad political coalitions of all relevant parties represented in the Macedonian Assembly, thus providing a stronger guarantee for peace and stability.

1.3.3. THE LAW ON ELECTIONS AND THE DISMISSAL OF MEMBERS OF PARLIAMENT AND COMMITTEE MEMBERS

The adoption of the Law on Elections and the Dismissal of Members of Parliament and Committee Members²⁹ on 21 September 1991 completed the legal framework for introducing political pluralism in Macedonia. The law was adopted together with the constitutional amendments discussed above and another related law, the Law on Electoral Units for Electing Members of the Assembly of the Socialist Republic of Macedonia.³⁰

In the law, the term “representative” was used, referring to “members of parliament” as well as “committee members” and thus the legislative power as well as the municipal councils.

The following was defined by the Law:

- the way the elections would be held;
- the composition and mandate of the bodies in charge of carrying out the elections;
- tentatively, the electoral units (the 120 electoral units were determined in detail by the Law on Electoral Units for Electing Members of the Assembly of the Socialist Republic of Macedonia);
- the procedure of determining candidates and representatives;
- the way the elections would be carried out;
- other important issues related to organising a democratic election process.

The Law practically introduced the pluralistic system of election of members of parliament. The electoral units were formed as to comprise an approximately equal number of citizens who elect one member of the Assembly. Political parties with more than 1500 members had the right to propose candidates in the entire state territory (Article 20, paragraph 3), while parties and associations

²⁹ *Law on Elections and the Dismissal of Members of Parliament and Committee Members, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 28, op. cit.*

³⁰ *Law on Electoral Units for Electing Members of the Assembly of the Socialist Republic of Macedonia, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 28, p. 519*

with less members had to back every candidate with at least 100 signatures. The Republic's Election Commission was appointed to carry out the elections and see to the campaigning, voting, counting of votes and publication of results being done orderly.

Apart from elections, the Law regulated the discontinuation of a representative's mandate in the following six circumstances:

- in case of dismissal;
- in case of resignation;
- if the Member of the Assembly was sentenced to an unconditional prison term of six months or a more serious sentence;
- in case of incompatibility with the function of representative;
- in case of death;
- if the Member of the Assembly lost his/her ability to work.

Three days after the adoption of the constitutional amendments and the Law on Elections and the Dismissal of Members of Parliament and Committee Members, the president of the legislation called the first democratic multi-party elections, which took place on 11 November 1990. The Macedonian Assembly continued its work in that composition until 8 January 1991. The first democratic multi-party elections in Slovenia and Croatia had been organised in Spring, some six months before the Macedonian elections, while in Serbia, they were carried out on 9 December 1990, some weeks later. It should be pointed out that, apart from parliamentary elections in all its republics, no elections were carried out on the level of the SFRY as a whole. According to scholars, that fact additionally sped up the process of disintegration and decay of Yugoslavia, and, thus, the achievement of state independence for Macedonia.

CONCLUSIONS

The development of the party system of the Socialist Republic of Macedonia (SRM) can be divided into three phases. The phase of explicit political monism lasted until 29 November 1989. The second phase, the phase of transition from political monism towards political pluralism, lasted from 29 November 1989 to 13 April 1990, and the third one, the phase of establishing political pluralism, from 13 April 1990 to 8 September 1991.

Against the background of the aforementioned, the events of that period lead to at least three conclusions: first, that the institutions were highly preoccupied with introducing political pluralism, second, that creating the conditions for the introduction of political pluralism had a satisfactory dynamics, and third, that the then political and state leadership had a distinct tendency to clearly define legal

norms as a basis for the democratic transformation of the Socialist Republic of Macedonia.

It is important to take into account comparative examples in order to determine the speed and quality of the processes that were going on in the SRM. Thus, in Slovenia, the first law to legalise political parties, i.e. the first law to include the legal basis for the creation of new parties, was adopted in December 1989, four months earlier than in Macedonia. Meanwhile, in Croatia, the respective law was adopted two months after the Macedonian one (June 1990), whereas in Serbia, the law on political organisations was adopted three months later, on 19 July 1990. This chronology offers additional proof that, in the SRM, the processes of political pluralisation had a dynamic comparable to the more liberal parts of the SFRY, such as Slovenia, undoubtedly.

| SUMMARY

The development of the party system of the Socialist Republic of Macedonia (SRM) can be divided into three phases. The phase of explicit political monism lasted until 29 November 1989. The second phase, the phase of transition from political monism towards political pluralism, lasted from 29 November 1989 to 13 April 1990, and the third one, the phase of establishing political pluralism, from 13 April 1990 to 8 September 1991.

The event that marked the divide between the first and the second phase was the Tenth Congress of the League of Communists of Macedonia that took place from 27 to 29 November 1989. The third phase was initiated when the Law on Changes and Amendments to the Law on Citizen Organisations and Associations entered into force on 13 April 1990. Furthermore, the Constitution of the Socialist Republic of Macedonia of 1974 was changed and the Law on Elections and the Dismissal of Members of Parliament and Committee Members entered into force on 21 September 1990. The third phase started with the referendum on independence on 8 September 1991, when the citizens chose to leave the socialist past behind and opted for a democratic, independent and sovereign state.

Against the background of the aforementioned, the events of that period lead to at least three conclusions: first, that the institutions were highly preoccupied with introducing political pluralism, second, that creating the conditions for the introduction of political pluralism had a satisfactory dynamics, and third, that the then political and state leadership had a distinct tendency to clearly define legal norms as a basis for the democratic transformation of the Socialist Republic of Macedonia. The latter is additional proof that, in the SRM, the processes of

political pluralisation had a dynamic comparable to the more liberal parts of the SFRY, such as Slovenia, undoubtedly.

| REFERENCE LIST:

Bartlomiej Kaminski, *The Collapse Of State Socialism*, Princeton University Press, Princeton, New Jersey, 1991.

Aneta Jovevska, *Izborite fokus na političkiot život*, Dijalog No. 6, Skopje, 1994.

Denko Maleski, *Vo spomen na Slavko Milosavljevski*, okno.mk, October 2012.

Dimitar Mirčev, *Zaminuvanjeto na Milosavljevski*, dnevnik.mk, 18.10.2012.

Law on Elections and the Dismissal of Members of Parliament and Committee Members, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 28, Skopje, 21.9.1990.

Law on Electoral Units for Electing Members of the Assembly of the Socialist Republic of Macedonia, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 28.

Law on Changes and Amendments to the Law on Citizen Organisations and Associations, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 12, Skopje, 13.4.1990.

Law on Citizen Organisations and Associations, Official Gazette of the Socialist Republic of Macedonia, XXXIX, No. 32, Skopje, 11.11.1983.

Decree to promulgate Amendments LVII - LXXXI to the Constitution of the Socialist Republic of Macedonia, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 28, Skopje, 21.9.1990.

Ratko Marković, *Ustavno pravo i političke institucije*, IPD Justinjan, Belgrade, 2006.

Slavko Milosavljevski, „Istočna Evropa pomegju egalitarizmot i demokratijata“, Ljuboten, Skopje, 1993.

Constitution of the Socialist Republic of Macedonia, Official Gazette of the Socialist Republic of Macedonia, XXX, No. 7, Skopje, 25.2.1974.

Cane Mojanoski, *Letopis na makedonskata demokratija*, Pakung, Skopje, 2000.