Reinvigorating political dialogue in light of Macedonia's EU accession negotiations

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September 2018

Impressum

Introduction

The Parliament is and will be playing an important political and scrutinizing role in Macedonia's EU accession process. All the parliamentary political parties declare themselves in favor of the EU accession process, thus providing political support to the Government in conducting EU-related reforms, at least. In 2017, as part of the 3-6-9 Reform Plan, the Parliament passed a 'Declaration of speeding up reforms and integration processes for joining EU and NATO' [1]. As with other similar or identical declarations in the past, the Members of Parliament confirm their consensual and non-party dedication to the country's strategic policy objectives. However, there are many recent and not so recent examples when the Parliament failed to provide this necessary impetus to the accession process. On the contrary, the legislative body was frequently used to undermine and even block the process of adoption of EU-related legislation for political and all sorts of other reasons.

The political practice in the Macedonian arena, in situations when politically contentious issues have arisen, usually goes alongside two lines: complete blockage of the institutions of the system meant to resolve political disputes; and dependence on international community actors to mediate and facilitate a resolution. In many cases, characteristic for this crisis is the inability of local political actors to come to an agreement without the assistance of the EU and the US, who also appear as guarantors for the matters agreed. Almost by default, the institutional crisis commences with the boycott of the Parliament by one of the dissatisfied political actors, after which the international community is invited to intervene. In the 10 parliamentary compositions since the independence of Macedonia, there have been 12 boycotts

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[1] Parliament of the Republic of Macedonia, „Declaration of speeding up reforms and integration processes for joining EU and NATO", no. 192/17, 2017, http://www.slvesnik.com.mk/Issues/300aa13482774c7095e852d883592864.pdf

of the parliament by various political parties.

The process of harmonisation of national legislation with the EU *acquis communautaire* is a huge task, especially once accession negotiations commence. With great certainty, this could create an atmosphere prone to crisis and boycott by dissatisfied actors. Our hypothesis is that the Parliament, in the majority of cases, will only provide political support by voting positively, without going deeper in analyzing the level or the quality of alignment. Such behavior is against its role to scrutinize the legislation initiated by the Government. In this regard, many of the issues deriving from the harmonisation process have to be resolved in the minimal possible timeframe, having in mind that the most optimistic projection for finishing the negotiations is five to seven years. This timeframe is in line with the European perspective offered to Western Balkan countries by 2025[2]. In its essence, the process of harmonization will substantially disable public deliberation on many issues, being highly technical on one hand and

rather obstinate in its demands, on the other.

By analyzing the both formal and informal political dialogue in Macedonia i.e. in the Parliament and through leaders' and leadership meetings, this policy brief explores ways in which the political dialogue could be reinvigorating to serve the purpose of timely passing the EU related legislation in light of the opening of accession negotiations.

Political stalemates
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Frequent stalemates in the political process of the countries of Southeast Europe have become a part of its political folklore. Macedonia is by no means an exception.

The inability of domestic political actors to find endogenous solutions to political problems in the country started very

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[2]   European Commission "A credible enlargement perspective for and enhanced EU engagement with the Western Balkans", 2017, https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf (Accessed September 11, 2018).

early after the independence of the country from the Yugoslav federation. The first big political crisis occurred as soon as 1994, when two political parties, VMRO-DPMNE and the Democratic party boycotted the parliamentary elections after the first round, based on accusations of electoral fraud. The crisis was not effectively resolved, and the Parliament of the Republic of Macedonia held its sessions without an effective opposition for four years. The next big-scale crisis occurred during the conflict in 2001 when the conflict between the Macedonian government and the ethnic Albanian insurgents culminated in the Ohrid Framework Agreement (OFA). The OFA was facilitated by the international community (USA and the EU predominantly) and this was the very occasion where the most effective of all political modalities aimed at resolving political stalemates was introduced as irreplaceable – leaders' meetings. Ever since, this modality was utilized as fundamental in resolving political crises, which was exhibited in the upcoming political crises in 2004, 2007 and 2015.

The following political crisis, the disputed territorial organization in 2004, also displayed a fragile interethnic peace and a present ethnic contestation when it comes to local self-government, one of them determining the boundaries of municipalities. Several political factors in the country, spearheaded by VMRO-DPMNE, organized a referendum against the new proposed territorial organization under the argumentation that the Albanian community benefits greatly in certain areas of the country (Kicevo and Struga for instance) and that an ethnic "gerrymandering" is being constructed to satisfy the appetites of Albanian political parties. The referendum was unsuccessful, with the ruling SDSM strongly advocating for a boycott. The proposed territorial organization was later adopted and is in effect, still creating ethnic tensions in ethnically mixed areas in Southwest Macedonia. A similar crisis occurred in 2007, with the so-called May Agreement, whereby the winner of the elections in the Macedonian ethnic block (VMRO-DPMNE) did not form a coalition with the winner of the Albanian ethnic

block in the elections of 2006 (DUI). Instead it formed a coalition with DPA, the party that did not win the majority of ethnic Albanian votes in the country. Being that this created critical interethnic tensions, the international community once again "brokered" a deal between the leaders of VMRO-DPMNE and DUI, which was colloquially known as the May Agreement, however never in a formal document. This led to a coalition between the two parties after the elections in 2008, and the international community once again succeeded in calming political unrest through leaders' meetings, which was just a temporary occurrence unfortunately.

Additionally, the most recent example of the Pržino process that took place between 2015 and 2017, undertaken as a political resolution to match the deepest political crisis in the history of the Republic of Macedonia since the conflict in 2001, exhibited that not much has changed in the mindset of political actors. The roots of the crisis lie in the

parliamentary elections of April 2014, where the conservative VMRO-DPMNE dominated the Parliament in seats won, whereas the opposition SDSM did not just underscore on the elections, but also refused to accept the results blaming the Government for unfair and anything but free elections. However, the real initiation of the crisis began when the leader of the opposition SDSM, Zoran Zaev, started publicly releasing wiretapped audio materials of government officials in early 2015, implying criminal activities, electoral fraud and influence on judiciary and media. This caused public outrage and massive demonstrations on the streets of several cities in Macedonia, with the international community immediately reacting by trying to mediate the political process in the country which has immediately hit a political dead-end.

The turn of events during the Pržino process (followed by the Pržino 2 process) led to a serous engagement on the part of the international community. The EU even appointed a special mediator tasked

to mediate between the warring political parties. The very agreement was brokered and "signed in the residence of the EU Ambassador located in the Pržino area, envisaged holding free and fair elections in April 2016, return of the opposition in the Parliament, an inquiry committee on the wiretapped materials, an intelligence committee on the wiretapping as well as handing of the wiretapped materials by the opposition to the Public prosecutor's office."[3] The reaching of the agreement was a long-term process, prior to which a number of leaders' and leadership meetings took place mediated by the international community, with the direct engagement of the US Embassy in Skopje, and even the engagement of three MEPs to directly work with party members - Ivo Vajgl (ALDE Group), Eduard Kukan (EPP Group) and Richard Howitt (PES Group). A visible change in the roles of the EU and USA representatives was visible during the Pržino process as the process slightly differed from the standard "carrot and stick" politics. For the first time, the EU had a dominant role in the process, and the US

backed the process, which is indicated by the deeper level of engagement of the EU in the Pržino process to the level of not just mediating but also pressuring political actors through direct political pressure using its leverage.

The aftermath of the process was unfortunately violent, being that the envisaged elections instead of April 2016 took place in December 2016, when the conservative VMRO-DPMNE won by a small margin of two MPs (51 overall). However, this was not sufficient to form a Governmental majority (61 MPs minimum) due to the fact that VMRO-DPMNE could no longer find an Albanian partner to form the Government with. The mandate ended up in the hands of the leader of SDSM, Zoran Zaev, which in turn gathered the needed majority for formation of a new Government with DUI. This caused an outrage among VMRO-DPMNE supporters that escalated in protests, and later violent storming of the Parliament on 27 April 2017 triggered by the election of DUI's Talat Xhaferi for

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[3] For more details, see Krasniqi, Vjolca et al. "Leaders' Meetings – When Formal Decision Making Does Not Work" – an upcoming study on leaders' meetings based on the results of the H2020 project "INFORM: Closing the Gap between Formal and Informal Intuitions in the Balkans" http://www.formal-informal.eu/research-papers.html.

a new parliamentary speaker. However, the political crisis settled with the final formation of the Government in May 2017, leaving irreconcilable differences between the political blocks in the country. What in essence remained the genus proximus of all political crises and the Pržino process alike, is the set of old insufficiencies of Macedonian democracy – institutional stalemate, dependence on international community actors and lack of substantial political dialogue among political parties in the country.

The latest developments in the political dialogue in the country indicate that there might be a slight improvement in political dialogue. Namely, although publicly in conflict, the biggest political parties in the country are participating in leadership meetings behind closed doors and away from the public eye, regarding the upcoming reforms in the country as well as the upcoming referendum on the Agreement with Greece on the three-decade long name dispute. With varying success, political parties engage into political dialogue prior to an eruption of a

new political crisis in the country, which indicates primary efforts to intercept political problems rather than engage into damage control later on. The success of these efforts remains to be tested as the referendum approaches at the end of September 2018.

If nurtured in the right way, this recent behavior by political parties could lead towards something that is a leading practice, standard pre-text that would ensure multi-partisan consensus on key political issues related to the EU accession process on one hand, and would prevail over the traditional boycott of the parliament and interferences in the alignment process on the other. This would also showcase Macedonia's capacity to meet some of the membership criteria by achieving stability of institutions guaranteeing democracy and rule of law.

Informal Politics

The history of political processes in Macedonia, ever since its independence in 1991, points to a critical role of international actors in resolving reoccurring political crises, especially the EU and the US. One of the fundamental modalities utilized for overcoming political dead ends in Macedonian politics are the so called 'leaders meetings' that can be defined as 'a practice of negotiation among the leaders of major political parties taking place outside the framework of formal institutions reaching an agreement on a politically contentious issue.'[4] In situations where delegated representatives of party leaders are involved, this format can also be named 'leadership meetings.'[5] In both cases the main elements include domestic political actors, a political contentious issue that leads to an impasse, and international community actors that act as "informality brokers" meaning that they have either the lead role of mediators or facilitators of political dialogue, and eventually a political solution. These solutions are later channeled through legislation or agreed political and legal action by domestic political elites, which in turn leads to a temporary normalization of political processes in the country. Such cases of utilizing leaders' meetings are frequent in Macedonian political history, including the Ohrid Framework Agreement in 2001, the Law on territorial organization in 2004, the May Agreement from 2007 and the latest – Pržino process in 2015-2017. Resorting to leaders' or leadership meetings in resolving political stalemates stems from the inability of endogenous political actors to find adequate institutional solutions to political challenges that strongly divide the political scene of ethnic or ideological lines. In such cases, political parties rely on international community actors for political solutions,

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[4] Ibid.

[5] Ibid.

who use their political leverage for motivating or even on occasions enforcing political actors into a compromise. Most of the abovementioned political crises in Macedonia (with possibly the exclusion of the Pržino process) have been resolved through a modality of "carrot and stick" politics[6], whereas the USA impose direct political pressure on political actors and the EU incentivizes political actors through assurances on progress in the EU accession process and concrete material benefits. The EU uses its passive and active leverage to institute behavioral and institutional adaptations and alterations on the domestic political system meaning on one hand its magnetism being a reference point for democratization of countries in SEE (passive leverage), and on the other hand its attractiveness due to substantial benefits for the countries deriving from the EU club membership (active leverage).[8]

The informal nature of leaders'/leadership meetings, in effect has both positive and negative sides, being a potent tool for resolving political challenges exactly due to its informal nature. Aside from not being a part of the institutional setup of the country, the negative effects of leaders' meetings can be traced to three different aspects.[9] The first is related to their substitutive role meaning that they substitute formal institutions in the country. This, by itself, is not merely a negative occurrence, given the effectiveness of the format, but in the long run and if constantly present, which it is, it creates a long-term dependability on international community actors,

6   Ilievski, Zoran et al., the Role of the European Union in Democratization and Ethnic Conflict Management in the Republic of Macedonia. (Skopje/Fribourg: Regional Research Promotion Programme, 2011), http://www.rrpp-westernbalkans.net/dms/downloads/Library/Research-Results/Macedonia/European-Union-in-the-democratic-consolidation/European%20Union%20in%20the%20democratic%20consolidation.pdf (Accessed 19 August 2018).

7   Vachudova, Milada Anna, The Leverage of International Institutions on Democratizing States: Eastern Europe and the European Union, (Florence: Robert Schuman Center for Advanced Studies, 2001): 4. http://cadmus.eui.eu/bitstream/id/1578/01_33.pdf/ (Accessed 19 August 2018).

8   Ibid.

9   For more details please refer to Markovikj, Nenad & Damjanovski, Ivan. "EU`s Democracy Promotion meets Informal Politics: the Case of Leaders' Meetings in the Republic of Macedonia" – in one of the upcoming special issues of the REGION journal on informality. Please follow https://slavica.indiana.edu/journalListings/region.

handicapping the ability of domestic political elites to reach vital political solutions. Political actors become passive in the efforts to reach an agreement, always counting on external intervention for resolving political crises. The second adverse effect relates to the acceptance of the solutions reached during leaders' meetings, meaning that political parties would prefer to manipulate agreed points based on public opinion reactions and fluctuations rather than fully internalizing and upholding the agreed points (the case of the May Agreement from 2007 is a clear case). This frequently sabotages the agreed processes and creates additional confusion in public opinion on what was exactly agreed and how it should be interpreted and furthermore, implemented. The third negative effect relates to the constitutionality of the agreed solutions, such as in the case of the May Agreement, the Law on languages (both versions from 2008 and 2018), the Special Prosecutors' Office established during the Pržino process etc. However, academia and political analysts do not have a consensus when it comes to the questions of

constitutionality of problematized areas. An additional negative effect of leaders' meetings relates often to the lack of transparency of the process, which is delegated to only few persons that decide in a format that often does not allow for information sharing, least to the general public.

On the positive side, leaders' meetings are a highly effective and efficient modality for reaching political solutions in times of turmoil in the country. Supported and facilitated by international actors, leaders' meetings on occasions have proven to be the only possible modality through which political solution can be reached. Although this informal practice entails circumventing formal institutions (predominantly the Parliament and sometimes even the judiciary/public prosecutor's office), the often-defunct institutional setup offers no alternative solutions. In this regard, and in the short run, the leaders' meetings offer an effective solution, especially if effect is measured through the perspective of reaching a political resolution. The

very weakness of the leaders' meetings, circumventing the institutional system of the country, is at the same time an advantage, since it clearly shortens the period needed for imposing a political solution, which speaks on behalf of its efficacy. Additionally, leaders' meetings are often the only modality through which direct political pressure could be applied to domestic political elites, as well as adequate behavioral constraints, depending on the context (which would not have happened in absence of this informal mechanism).

The positive and negative sides of the leaders' meetings are particularly important in the process of harmonization of domestic legislation with EU rules. The process of harmonization, represented through the chapters of the acquis, presents quite a voluminous set of directives, regulations and decisions, serving as a reference base against which all domestic regulations must be synchronized. Given the limited capacity of the domestic administrative and political setup, it is not hard to predict that the

process, once accession negotiations commence, shall be rather challenging and complicated.

In such a political setup, leaders' meetings could be utilized as a very helpful tool for speeding the process of alignment and legislation drafting, especially when political contentious issues arise. However, one fundamental difference has to be taken in consideration when speaking of the very nature of leaders' meetings. While leaders' meetings were traditionally used as a 'damage control' mechanism in times of political crises in the past, their nature has to shift to a 'preemptive' mechanism. This specifically means that leaders' meetings have to be utilized in the process of alignment of legislation as a preemptive mechanism where political leaders (and leaderships) shall agree on specific political points that could in turn cause political differences and potential disputes. Additionally, leaders' meetings are the adequate modality for speeding the process of harmonization, being that they have proved both effective and efficient, aside the negative characteristics

they entail in their very mechanism of functioning.

In the accession process, Macedonia is an active EU norm-taker and as the country progresses towards membership, the process of alignment will gain on intensity finally resulting in full harmonisation with the EU acquis. For some legislative acts, discussion and reaching a consensus between political parties and various civil society stakeholders will be required and possible, whereas, for others, need to be adopted in its entirety.

Conclusion

Political dialogue has been one of the weak spots of Macedonian democracy ever since its independence. Number of cases have shown that resolutions are impossible without heavy interventions of international community actors. This has led to the emergence of informal political mechanisms for facilitating political dialogue, that on one hand emerge in an extra-institutional sphere, and on the other hand are effective, efficient and at occasions – the only viable modality for resolving political stalemates.

In light of opening accession talks with EU and increasingly intensifying the alignment process, the leadership meetings could serve the purpose of reaching a minimum political consensus for political contentious issues especially in the rule of law chapters. If this exercise is successfully repeated several times, it could become a best practice that would speed up the harmonisation process, prevent political crisis of emerging and provide a clear evidence of the democratic capacity of the country to cope with the challenges the process brings. The EU accession process can be used to shift the 'damage control' nature of the leadership meetings mechanism to a 'preemptive' one that adds value to the process, without undermining the established institutional mechanisms.

Information about KAS

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Freedom, justice, and solidarity are the basic principles underlying the work of the Konrad Adenauer-Stiftung (KAS). The KAS is a political foundation, closely associated with the Christian Democratic Union (CDU) of Germany. We conduct education programs for the society and cooperate with governmental institutions, political parties, civil society organizations and handpicked elites, building strong partnerships along the way. Together with our partners, we make a contribution to the creation of an international order that enables every country to develop in freedom and under its own responsibility.

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Information about IDSCS

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IDSCS is a civil think-tank organisation researching the development of good governance, rule of law and Macedonia's European integration. IDSCS has the mission to support citizens' involvement in the decision-making process and strengthen the participatory political culture. By strengthening liberal values, IDSCS contributes towards coexistence of diversities.

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Discussion Paper No.17/2018

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