

The Presidential and Municipal Elections in Republic of Macedonia (FYRM). Internal and External Factors

Introduction.

Macedonia, or the Former Yugoslav Republic of Macedonia (FYRM)¹ as it is still known by some, is an interesting recently emerged autonomous nation-state. When analysing Macedonia in the context of the Balkan Region one can draw a wide range of useful conclusions.

First of all, Macedonia has a relatively recent history since its independence and recognition as an autonomous nation-state in late 1991. It has been one of the former republics of the Socialist Federal Republic of Yugoslavia, which was formally dissolved in 1992. Macedonia, on its part, has followed after the example of Slovenia, Croatia, Bosnia-Herzegovina after holding a national referendum. Thus, it has had the provisional name “The Former Yugoslav Republic of Macedonia” and had been able to join the UN in May 1992 and several international organisations under that provisional name.

Macedonia has a unicameral parliament, 120-seat National Assembly, and a popular elected President. In order for an analysis of Macedonia and the current presidential and local elections to be given, this paper will look at several themes. First of all, it will go through the political reality of the country and look especially to the preliminary publication of the Organisation for Security and Cooperation of Europe (OSCE), and the Office for Democratic Institutions and Human Rights (ODIHR) - institutions that have taken the task to monitor and encourage democratic practices and stability in Europe. Then, it will look and analyse the decentralised form of government that state has. Still, an integral part of the paper will be what are seen as the most central issues about the name of that county and the issues it has with its ethnic Albanian minority. The paper will finish with a conclusion that will draw on the findings of the above mentioned parts, and with an attempt to give a prediction of the outcome of those preliminary elections, addressing whether the current environment in the county would have a favourable or negative effect in the future.

Preliminary findings of the elections held on 22 March 2009

The election process has been monitored by several international institutions. The International Election Observation Mission (IEOM) presidential and municipal elections is a joint undertaking of OSCE office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE), who is only observing the presidential election, while the Congress of Local and Regional Authorities of the Council of Europe (the Congress) is only observing the municipal elections.

The findings of the OSCE/ODIHR for the first round of the elections are seen as such that have met most of the OSCE and Council of Europe commitments and standards for democratic elections, as well as most requirements of domestic legislation, although some challenges are still present (OSCE/ODIHR International Election Observation Mission, 2009,

¹ Due to the contrary disputes and arguments about the name of the state, in this paper, I will use both terms interchangeably

p.1). The West had fears that this year's elections could produce scenes similar to last year's parliamentary elections where there were violent clashes leaving one person dead and nine wounded (*Macedonia elections pass off peacefully*, 2009). Despite, the IEOM for FYRM declared that the first round for presidential and municipal elections have met "most international standards" (*Macedonia passes election test, observers say*, 2009). The election day has been peaceful and the elections seen as well administered, even though there have been some procedural irregularities. The Council of Europe's Congress of Local and Regional Authorities, which has been observing the local elections, had agreed with the results of the elections so far. Even though Macedonia is seen as having made the first step in bringing itself to a more democratic ways as a whole, and despite the EOM has expressed satisfaction in the reforms it had taken, there is still a need for a continued progress in the second round that is to follow on the 5 April 2009. Still, FYRM have to address irregularities and a lack of trust. As an example, the country needs to review its voter rolls as experts say that it is unrealistic for a country of a slightly more than 2 million people to have 1.8 million voters (*Macedonia passes election test, observers say*, 2009). The success in this year's more favorable elections has been also the result of the efforts authorities and political leaders to ensure that the elections took place in a calm environment. Stakeholders repeatedly and publicly had expressed their commitment to peaceful and democratic elections. That has been achieved through campaign rhetoric, while parties and political leaders have been seeking to ease political tensions through the agreements on codes of conduct and meetings among meetings and candidates, and responsible behavior as a whole.

The atmosphere of distrust that has been observed in previous elections was still obvious to some extent, as that has been seen by numerous troubling allegations of election related pressure on or intimidating of citizens, especially public employees, around the country during the pre-election period. Even though the authorities did address those issues, those did not fully address the lack of confidence (OSCE/ODIHR International Election Observation Mission, 2009, p.1). The elections followed after short but visible and vigorous campaign with numerous public rallies and a multiplicity of candidates and parties that providing for the voters' genuine choice. Politicians and parties have been campaigning largely and exclusively among their own ethnic groups that could be indicative to the ethnic divisions in the country. Women have been often in a small minority at political rallies and holding few decision-making positions in political parties.

The SEC estimated voter turn out to be 85 per cent. Overall, the International Election Observation Mission (IEOM) assessed the voting positively in 95 per cent of the polling stations visited. There were a number of procedural irregularities, and family voting seen as a problem similar to previous elections. Among the limited examples of serious violations given by the report were three cases of ballot box stuffing, while the voter count was assessed less positively due to many serious procedural errors and a few grave violations (OSCE/ODIHR International Election Observation Mission, 2009, p.2).

The Conditions

The Electoral Code that was adopted in 2006 forms the legal framework for both the presidential and municipal elections. In October 2008, the Parliament of Macedonia had adopted a set of agreements to the Code, some of which were the result of the recommendations of the OSCE/ODIHR and the Venice Commission of the Council of Europe. However, not all of the issues addressed in the recommendations have been resolved. As an example, there were improvements of the regulations of campaign financing, however,

there is still a lack of effective enforcement and auditing mechanisms, as well as limits of donations of goods and services. As a whole, the Electoral Code (EC) still lack precise details, and there is thus room for the emergence of conflicting interpretations due to the absence of clear and detailed regulations (OSCE/ODIHR International Election Observation Mission, 2009, p. 3).

This years Presidential and municipal elections were administered by a three tier election administration. That was the State Election Commission (SEC), 84 Municipal Election Commissions (MECs), the election commission of the city of Skopje, and 2, 976 Electoral Boards (EBs). It is worth mentioning that all of the nominations and appointments of the composition of the SEC and the MECs and the EB were made in a fair way, coinciding with the recommendations of the Electoral Code, in which both governing and opposition parties could nominate members for the SEC. Even though the preparations for the elections were seen as smooth and were implemented within the legal deadlines, the work of the SEC has, been impeded by the lack of sufficient and qualified staff (OSCE/ODIHR International Election Observation Mission, 2009, p.4). As a whole, the SEC's work was transparent, and in a spirit of consensus as it enjoyed the confidence of most political parties and candidates.

The campaign

During the official campaign period from 2-20 March, the legal provisions on what activities were allowed before the start of the campaign were vague. The EOM has noted many examples of early campaigning and authorities had done no action on such instances. During the official campaign political parties and candidates took place in various program rallies. There have been more than 100 of those where party leaders, presidential and mayor candidates, or candidates for municipal councillors, frequently appeared together (OSCE/ODIHR International Election Observation Mission, 2009, p.5).

Peaceful and democratic election process was widely regarded as a key factor for the country's progress towards a Euro-Atlantic integration which has been a goal for all political parties. Thus, throughout the country, candidates and parties had been rallying for democratic elections, free of violence and clashes, similar the elections seen in 2008. As a result, national and local codes of conduct have been signed. As a result, in the country as a whole, the election process was free of violence. It is a different question if a really democratic election process in Macedonia was present, despite the absence of clashes (OSCE/ODIHR International Election Observation Mission, 2009, p.5).

In their effort to promote a civic campaign atmosphere, presidential candidates very often were bringing opponents for joint meetings. Thus, such gatherings contributed to the calmer atmosphere before and during the elections. Still, there have been runners who touched on and reached across ethnic lines, and most parties and candidates had campaigned predominantly among their own ethnic communities, reflecting on ethnic divisions. Tensions were observed in Gostivar, Debar, Plasnica, Strumica, and Skopje municipality of Suto Orizari, where candidates used strong accusations against each other. Minor damages to party offices, scuffles between political activists, or threats against party activists have been present (OSCE/ODIHR International Election Observation Mission, 2009, p.6).

In the pre-election period, the EOM received numerous allegations from all over the country of pressure or intimidation of citizens for the elections. Interlocutors found out that public sector employee were often subject to politically motivated recruitments and thus vulnerable

to pressure to support the parties in control both at the national and municipal levels. Business owners often were pressing their employees or were pressed themselves through threats of tax audits have been also present (OSCE/ODIHR International Election Observation Mission, 2009, p.5).

There are still some drawbacks in the promptness of the charging of violators in previous elections. That whole process has been condemned by the EOM and still some say that the whole process depends on who and what parties are dominating. As an example, offenders and the allegations against them related with the 2008 elections were still on in the pre-election period. The number of individuals convicted so far has been 32 out of 200 initially charged with another 76 awaiting trial, and another 14 indictments being dropped (OSCE/ODIHR International Election Observation Mission, 2009, p.6). Another major obstacle in the handling of such cases has been the fact that some witnesses are afraid to testify or to uphold their previous testimonies.

As a result of the facts mentioned above, one could comment that there have been a number of positive improvements in the dealings of election procedures in FYRM. As some of them, one could see the high level of confidence among most candidates, the general respect of human rights and freedom of expression or assembly, a professionally functioning independent media and regulatory body, information to the voters available through a range of media and campaign reports, or the general respect of the law. However, the question of how and to what extent those improvements would result to a proficient and truly democratic presidential and municipal elections could not be determined due to the mere fact of the observed above mentioned improvements in Republic of Macedonia. Still, there have been issues of clashes between supporters of different parties. Still, it turns out that ethnicity plays a great role in the formation of politics and parties. The lack of clear election regulations normally could result to different interpretations of the Electoral Code, which could easily lead to further obstacles.

Talking about the system in Macedonia, it could be appropriate to analyse the decentralised form of government there, specifically its pros and cons.

The internal challenges in FYRM. Desentralised form of government

Local self-government in Macedonia could be also defined as a way of local development that would lead to social and economic developments within the local communities and more importantly to the meeting of the needs of the citizens on that community. Since most citizens' needs are best met at the local level, local development could be crucial for meeting the needs of people's everyday life and work. Thus, local-level institutions and self-government are involved.

Along with the central government, local self-governments are an important segment in the overall political structure of a country and in Macedonia. Local self-governments are usually more sensitive to local development needs and priorities, as people at the local level are more acquainted with their immediate and real needs, challenges and opportunities. The local government, compared to the central government, is thus more capable of addressing such needs as it is closer to its people and it has better links with the people. Thus, one could conclude that local governments are more democratic and more effective in performing their tasks.

Local self-governance in Macedonia has its potential threats and also has its potential opportunities. However, so far the local self-government in Macedonia has not been living up to its potential. That has been due to the inadequate utilisation of opportunities. For the smooth operation of a comprehensive and well-functioning local self-governance, there is the need for efficient functioning of institutions and capacities. Also, the increased competencies and strengthening of the political culture of the population, the result should be their more active participation in the local processes. The need for the decentralised form of governance could be also seen by the emergence of the Ohrid Framework Agreement in 2001. It was the result of the armed conflict between the National Liberation Army and the Macedonian security forces. It had set the groundwork for improving the rights of ethnic Albanians (*Framework Agreement*, 2001). It also required that the development of decentralised governance is one of the key priorities in light of reforming the political system.

As a result, in 2002 the law presented a qualitative change and increased the number of functions of municipalities. The aim has been to restrain the power of the central government and build the capacities of local self-governance to act as a counter balance of the central authorities. Thus, with the beginning of the decentralisation process, the burden of everyday municipal competencies has been taken off the central government (Eftimoski, 2004, p.25). With that however, Macedonian municipalities were made autonomous within the law to regulate and perform activities of public interest and local significance. It also promoted the principle of subsidiaries, or the rights of municipalities to perform within their regional jurisdictions those activities of public interest, not specified as under the competencies of the central authorities. Thus, one could note that at least in its language local self-governance could lead to bringing Macedonia closer to European standards, due to its pursuit of protection and promotion of shared interest, or the set up of various institutions.

Potential threats of local self-governance

In the light of financing of the various local governments, one could note that it could be dependent on the overall financial capacity of the country. The FYRM however, is seen as one of the poorest countries from the former Yugoslav Republics. Even though economic factors are not the only criterion, it could prove difficult to achieve financial sufficiency if the GDP per capita is relatively low (as is the case of Macedonia). Thus, local governments are likely to face financial problems (the highest quality revenue sources are the economic activity related taxes which are only available to the central authorities). Also, due to the lack of effective communication between the central and local authorities, distribution of revenues and funds for the local self-governments is often seen as problematic (Eftimoski, 2004, p.26). As a result, due to financial insufficiency and inadequate financial autonomy, Macedonian local units face financial dependence on the state on the one hand, and lack instruments for the adequate meeting of local needs, on the other.

The territorial division of the regions in FYRM could lead to difficulties due to the limited human resources of smaller municipalities. As competencies of municipalities were enlarged by the local Government Act of 2002, which included competencies in the economic field, education and health, the smallest municipalities could easily face difficulties linked with human and financial resources. That too could lead to their inability to cope with municipal issues (Eftimoski, 2004, p.27). What is also seen as a very tangible threat is the fear of dominant municipalities to impose their own agenda on the smaller ones. Due to the greater population and representatives in the larger cities, they could easily influence or force the fulfilment of its agenda at the expense of the rural ones. That could be seen as a particular example of a “majority rule”. In such a case, democratic mechanisms are stripped of minority

interest guarantees and are reduced to follow formalistic procedures. Thus, if proper mechanisms for guaranteeing minority interests fail to be created, the desire for homogeneous representation could lead to an uncontrollable subdivision of entities into smaller ones. Similarly, in the ethnically mixed municipalities the majority should not be able to dictate the municipal agenda.

The single-tiered local self-government might be an insufficient form of government as it faces challenges when it comes to public local transport, water supply, or other services that do not fall only under the jurisdiction of one municipality but between several of them. In addition, the increase of competencies in 2005, the general management of problems are seen as multiplying the duties and burdens of mayors and councillors (Eftimoski, 2004, p. 27).

Opportunities for local self-governance

Municipalities are seen as having significant organisational independence. There is a complete personal independence which would mean that by elections and appointment, there is no interference on the part of the central authority. The moderate control of the state control is focused on legitimacy, and not on the substantive action of the local authorities. Also, non-interference of the local matters and the insisting on legitimacy and state control could be focused on the protection on the rights of citizens and the effective functioning of the entire political system (Eftimoski, 2004, p. 28).

External challenges

The controversy surrounding Macedonia's official name has proved to be detrimental for Macedonia's future endeavours and relations with international and supra-national organisations such as NATO and the EU.

NATO and the FYRM have been actively cooperating in a range of areas, including defence and security sector reform and wider democratic and institutional reform. Macedonia has joined the Membership Action Plan (MAP) in 1999 and since it has been aspiring to join the alliance. The MAP is a practical realisation of NATO's "open door" policy. It is a framework through which the Allies provide advice, assistance and practical support to countries wanting to become part of the NATO (*NATO's relations with the former Yugoslav Republic of Macedonia, 2009*). The desire of Macedonia to join the organisation could be seen by its support in NATO's led operations. It has been providing support to troops for the Kosovo Force (KFOR) for many years, and Macedonia also has been contributing to the International Assistance Force (ISAF) in Afghanistan. Thus, as a result, in April 2008 at the Bucharest Summit, Allies have recognised the commitments and hard work of FYRM to NATO values and operations. However, an invitation to the FYRM could be extended only when a solution acceptable to both Macedonia and Greece over the name of Macedonia has been reached (*NATO's relations with the former Yugoslav Republic of Macedonia, 2009*).

The disagreement between Athens and Skopje could be also seen as hindering EU and NATO strategies for the western Balkans, as the International Crisis Group (ICG) noted (Crisis Group Europe Briefing N52, 2009, p.5). Also, the Macedonia's membership in the EU could help to unite its ethnic communities, the Macedonians and the Albanians, especially since their conflict in 2001. Thus, Greece's block over Macedonia's membership in NATO puts at risk the progress that the latter has achieved. Greece's main arguments have touched on the fears that the constitutional name of the "Republic of Macedonia" as the northern region in Greece has the same name of Macedonia. In such a way, Athens expresses its fears of

eventual territorial claims from Skopje. Greece also believes that term is part of its own historical heritage (Vucheva, 2009). On the other hand, Macedonia should not provoke Greece. It has renamed the Skopje's airport after Alexander the Great, and renamed its main highway after the historical figure, whose ethnic origin is also part of the thorny dispute between the two countries.

Concluding thoughts

The municipal and presidential elections of Macedonia for the first time in the history of the county have been held at a concurrent date. The importance of both elections is great and that could be evidenced by the number of the voter turn out in the preliminary elections in 22 March 2009. They were estimated to be approximately 58%. Even though there have been concerns on the side of the Election Observation Mission of the OSCE/ODIHR about the real number of the voters turn out, as a whole elections in Macedonia have proved to play a significant role in peoples' lives. This year's elections have been less than one year after 1 June 2008 parliamentary elections which were stained by violence and irregularities. At that time, the OSCE/ODIHR had concluded that progress has not been realised and as a whole the early parliamentary elections had not met the key OSCE recommendations and commitments (OSCE/ODIHR Needs Assessment Mission Report, 2008, p. 1). However, for this year's elections, the government has managed to win the overall approve of the OSCE. It has managed to prevent incidents and clashes similar to the last years and also address irregularities previously present. A number of efforts were made and that include the creation of an Action Plan for Elections, amendments to the Electoral Code, a draft amendment to the Constitution, and efforts to hold those responsible for violations related to the election regulations. The expectation of municipal elections to produce a more intense political contest could be explained to the importance of the local self-government in Macedonia and the stake people have in electing the mayors and councillors of their regions. The more active role of a higher number of political parties including those from the Ethnic Albanian community could be anticipated or seen as indicative clearer and more democratic environment or atmosphere observed in Macedonia this year. People have been seen as informed enough and aware of the pre-election campaign, due to the coverage of a number of public and private media, a variety of print media, and TV channels contributing to peoples' awareness and their choices. Also, as membership of the country in organisations such as the EU is embraced as a whole in FYRM, there have been frequent appeals by leaders urging people to refrain from clashes and for an environment free of violence. That has been often met by the frequent appearance of leaders along opposition rivals. Even though there have been reported irregularities and clashes, one could note that this year's preliminary presidential and municipal elections have made a great step in bringing the country closer to international standards and regulations. However, an election free of violence or clashes could not be concluded as one that has met the highest democratic standards and criteria. A number of allegations as voter intimidations, questions about the veracity of the voter turn out, vote buying, irregularities of the pre-elections campaign, or the slow pace of trying of people and charging for violations in previous elections are still seen facts distancing Macedonia from the criteria of international organisations respecting democratic practises. There are several other indices that look into countries' practises and peoples' well-beings which could be worth mentioning when analysing the progressiveness of a nation-state. Such is the 2008 Legatum Prosperity Index which is an inquiry into the nature of prosperity. Here Macedonia is ranked 68th overall out of 104 countries with Australia, Austria, and Finland being on the top three. Tied with Ukraine, Macedonians are seen as hindered by a reported lack of satisfaction with respect to choice and

significant unemployment. Here, due to the unsatisfactory functioning of the private sector, absence of foreign direct investment and trade, incomes are low enough to have a detrimental effect on wellbeing (The 2008 Legatum Prosperity Index, 2007). The Fund for Peace² on the other hand recommends and concludes that there are major challenges in the country and that includes the true fulfilment of the Framework Agreement, the expansion of minority rights and their representation, the weak economy, investment and job creation, and interethnic discrimination especially the Roma (The Fund for Peace, 2008). Factors looking beyond a country's GDP as an indicator for a country's progress is also seen as one that omit other important factors measuring the well-being of the citizens of a country. Such factors, analysed by the Human Development Index (HDI), look beyond GDP but look at the life expectancy at birth, the adult literacy rate, the combined primary, secondary and tertiary gross enrolment ratio and the GDP per capita in order to assess the HDI of a country. Out of 177 countries, Macedonia has been ranked 69th indicating that still there are indicators which are worth observing (*Human Development Report 2007/2008*, 2007).

The presidential and municipal elections in Macedonia is an event that is worthy of consideration for all living in Macedonia. Regardless of the various difficulties it faces, the FYRM has proved to be able to improve in a better light, and pursue its foremost interests, and that is democratic pursuit of interest (seen by a decentralised form of government) suitable in a country with various ethnic groups and given the fact of clashes; it has proved to be able to maintain order and also pursue international recognition as its aspirations for a equal membership in the European family and NATO. Still, however, that process could prove to be a task requiring time and more experience as there are reforms still to be made.

² The mission of the Fund for Peace is to prevent war and to alleviate the conditions that cause war

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