

## **The Contemporary “Models” of Government: Dilemmas and Challenges**

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### **ABSTRACT**

The author analyzes the contemporary models of government, including the Macedonian one, through the relations between the legislative and the executive, at normative level and in practice. According to her, the problematic and relative methodological value of the dichotomy “parliamentarism - presidentialism” in the classification of government can also be observed in the Macedonian example of separation of powers. The Macedonian “constitutional cocktail” is even more complicated and more hybrid with regard to the practical functioning of institutions, due to the absence of democratic tradition and participative political culture, it’s a result of the partytocratic state in which it is difficult to determine where parties end and the state begins, as well as due to the fragile civil society.

Key words: separation of powers, government, parliamentarism, presidentialism, semi-presidentialism, democracy, consociational model of democracy, partitocrazia

### **PARLIAMENTARY SYSTEM(S) or/and PRESIDENTIAL SYSTEM(S): DILEMMAS AND CHALLENGES**

#### **1. On the relativity of the dichotomy classification**

In the 1980’s, the political sciences (re)articulated the importance of the political institutions of democracy. The institutionalists focused on the role of the political institutions in the political system, but also on the influence that certain model of democracy and governance extract over their functionality.

The correlation between the legislative and the executive branch is a significant determinant of every political system and one of the major issues of political theory and practice, from Walter Bagehot until today.<sup>1</sup>

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<sup>1</sup> This is confirmed by various phenomena: the passionate debate in Poland concerning the issue of “parliamentary or presidential system”, and a dozen of draft-constitutional projects; the strong conflict between the Romanian Parliament and President Trajan Basescu in April 2007, when he was suspended from his function, on the pretext of violation of the Constitution; the strong critiques of the President Bush for “disregarding

However, the political system can not be reduced just to its constitutional institutional framework. It is deeply and inseparably sewed with the political culture, the civil society, and particularly with the electoral and the party system.<sup>2</sup> It is a legal illusionism to believe, and even more so insist that any constitutional model is identical with its respective model of government. The same normative model functions differently in different periods, either within the same or in different states.

There are no pure models of organization of government and governance.<sup>3</sup> The tapestry of reality is always more colorful and more complicated than the theoretical and normative pattern. The traditional dichotomy of *parliamentary model* – *presidential model* has relative methodological value, due to the presence of the presidential elements in the first model and parliamentary elements in the second.

An additional issue is whether we can speak about *a* model or about models of parliamentary and presidential system. If we abstract the “irrelevant” differences, and if we “sacrifice” them in the name of the model, sometimes we are faced with weird and incoherent classifications (families).

Often I ask myself, frequently, for example, what is the methodological value of the classification that classifies in one and single system both the parliamentary model of Great Britain and India? This same dilemma is relevant when comparing the modern British cabinet system with the parliamentary system of the XIX century, which wipe the golden years of the British parliamentarism.

The same, or similar dilemmas are to be detected in relation to the presidential model of organization of government. It is complicated to include into a single group the American presidential system and the South-American *caudillar* systems, for example. May be, a reference can be made her of the American system, which itself went through different phases: the one of the *Congress-governance*, the one of *Court-ocracy* or the one of *presidentializm*.

However, notwithstanding the evident *androgenisation* of the contemporary models of organization of government, there are still visible differences between the parliamentary and presidential system, visible in the relationships between the legislature and the executive.

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the people” and “non-practicing of his own responsibilities”, linked to the veto of the decisions on Iraq.

<sup>2</sup> The King’s (King, 1976) perception of the manners of inter-party communication developed in the typology of Andeweg and Nizing in “Beyond the Two-Body Image: Relations Between Ministers and MPs”, in H. Doring ed., *Parliaments and Majority Rule in Western Europe*, Campus Verlag and St. Martin’s Press, New York, 1995

<sup>3</sup> On the role of the generic models “that could not be substitute of the careful description of individual models, but are important research instrument” see in M. Laver and K. Shepsle., *Making and Braking Governments*, Cambridge University Press, 1996, p 5-7.

The analysis of the contemporary European situation in government, presents an evolution of the Westminster model of parliamentarism, into a “modele franco-britannique”.<sup>4</sup>

## **2. On the important characteristics’ and problems of the parliamentary system(s) and the presidential system(s)**

### **2.1. “Definition” and “diagnosis” of the parliamentary system**

A precise defining of the parliamentary system is a mission impossible. However, it clearly has two distinctive characteristics: flexible division of power and political responsibility of the government before the parliament.<sup>5</sup> Actually, the government is not elected, but it is rather nominated with acquiescence of the parliament, and it performs its functions as long as it has the confidence of the parliament. In the spirit of the division of power, as a counter-balance of the prerogative of the parliament to vote non-confidence to the government is the right of the government or the head of state, to dissolve the parliament.<sup>6</sup> The executive is bi-cephalous and it is emanated in the government, which holds the effective executive power, and the head of the state, as titular of ceremonial functions.<sup>7</sup> The functions of minister and member of parliament are compatible.

The birth place of the parliamentary system (*mater parlamentarum*) is England. Throughout the history, and in contemporary conditions, the parliamentary system exists in different forms in Italy, Belgium, the Netherlands, Germany, Sweden, Norway, Japan, India, Canada etc.<sup>8</sup>

Bearing in mind the aforesaid, we can distinguish between: prime-ministerial systems, stronger version, like the British model, and softer version, like the German model; working parliamentarism (Sweden and Norway, since the Thirties); Japan (1954-1993), and Spain (1982-1996), as well as assembly government (French Third and Fourth Republic).<sup>9</sup>

In my eyes and in my mind, the parliamentarism has always looked like this: its theoretical picture was always much prettier than its reality in the

<sup>4</sup> On this European phenomena Jan Herman Reestman also points out in: Presidential Elements in Government: Introduction, European Constitutional Review, n. 2, 2006, p. 54-59

<sup>5</sup> Further on this see: V. Vasovic, Savremene demokratije, I, Sluzbeni glasnik, Beograd, 2006, p. 99

<sup>6</sup> Further on this see: С. Шкарик и Г. Силјановска-Давкова, Уставно право, Универзитет „Св. Кирил и Методиј“, Правен факултет „Јустинијан Први“ – Скопје, 2007, p. 562-570, as well as in Б. Ванковска, Политички систем, Бомат Графикс, Скопје, 2007, p. 127-138

<sup>7</sup> Further on this see: R. Trenevskа, Section on the executive in “Уставно право и политички систем”, колективен труд на С. Климовски, В. Митков, Т. Каракамишева, Р. Тренивска, Просветно дело, АД. Скопје, 2006, p. 453-459

<sup>8</sup> On the British cabinet system, on the French fragmented parliamentarism in III and IV French Republic, and on the German chancellor system, see: Ibidem, pp. 336-405; 456-466 and 577-639.

<sup>9</sup> On different types of parliamentary systems, see further: Giovanni Sartori, in “Comparative Constitutional Engineering”, second edition, Macmillan Press LTD, p. 101-117.

period of its consolidation, due to the need of its affirmation. However, contemporary parliamentarism is faced with serious problems: reduced power and effectiveness.<sup>10</sup> The real question here and now is the following: have the position, standing, respect and functions of the parliament been weakened, in comparison to the previous periods, or these characteristics, although attributed to the parliament, had never described it? Just for the record: we do not deny the importance of the role of the parliament in the development of the democracy.

However, it is obvious that the executive power is the one that creates the laws and the policy. We are witnesses of the *presidentialisation* of the prime-ministerial function in the parliamentary systems, including its cradle. How many times did Tony Blair resemble a head of state, relying more on his private advisors and media experts, rather than on his cabinet and the parliament? Not to mention the prime-minister Berlusconi, and his “presidential behavior”.

The strong parties did reduce the role of the parliament, through disciplining the members of the parliament, who rather nod, rather than decide.

In the era of video and democracy of spectacle, in which the key role in the political life is allocated to the media, and especially television, the members of the parliament are more interested in television debates than in parliamentary ones. The picture becomes more important than the word, and the speeches of the parliamentarians serve rather as amusement of the masses, than as a message to the executive.

The existence of numerous and powerful parliamentary committees on one hand rationalize and improve the work of the parliament, but on the other they substitute the parliament as a whole, which as fat and over-burdened organ becomes non-functional body.

The questions by the members of the parliament, especially in the post-communist countries, neither in respect to their quantity, nor their character, and even less in respect to the ministers’ attitude towards them, did not become an instrument through which the opposition could force the government to vigilance and responsibility towards the pressing problems.

Not to forget that the parliament is under strong influence, and sometimes under occupation of the *corporativism*. In this way, many important issues are being resolved outside, rather than inside its premises.

The partisanship of the administration, i.e. the application of the “spoils system” in its recruitment, results in laicization, and in incompetence of the civil servants, thus robbing the parliamentarians of expert support.

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<sup>10</sup> Norton, 1988.

Also, globalization influences the marginalization of the parliament in two ways: on one side through reduction of the national state, and through this of the national parliaments, and on the other side, through focusing on the economy and politics.

If the parliament is to be a type of litmus for the health of the democracy, the critical observation of it reveals a series of anti-democratic illnesses.

## 2.2 “Definition” and “Diagnosis” of the presidential system

The presidential system is characterized by a strict division of power and mono-cephalous executive.<sup>11</sup> For Duverger, the direct election of the head of state and the inability of the parliament to vote non-confidence of the head of state and the members of his/her cabinet are the most important characteristics of the presidential system (Duverger, 1980: 166). The creator of the American concept of single-headed executive, Alexander Hamilton, detected the dangers that are brought by collective executive: always when two or more individuals are involved in a joint action, there is a danger that there would be difference in their opinion. If there is a public function or power that give the same standing and power to these individuals, there is a danger that between them a personal rivalry, and even hatred, could be developed. Out of these reasons, the most severe conflicts emanate. If such conflicts do appear, they will decrease the respect for government, weaken it and spoil the plans and the activities of those that share the government. If these conflicts, unfortunately, also reach the executive power of a given state which would comprise more than one individual, this could impede the most important measures of governance in the most crucial moments in the history of a state. Even worse, these conflicts could result in divisions of the society.”(A. Hamilton, Dz. Medison, Dz. Dzej, 1981: 399- 400).

Two hundred years after the adoption of the Constitution of the United States of America in 1787, the American presidential republic and the American model of organization of government still do function efficiently with the checks-and-balances among the three powers. The misbalance in favor of some of the different powers was going back to balance, thus reconfirming the democratic capacity of the system.

The two-cameral structure of the Congress, as well as the equal scope for adoption of federal laws especially the committee type of function of the working bodies and the numerous and qualified administration as logistical support to the representatives and the senators provided guarantees that all the legal projects would receive due attention and quality laws would be enacted in the end. Of course, it should not be omitted that the lobbying and the lobbyists were also providing strong signature, thus coloring the whole undertaking with characteristics of *corporativism*.

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<sup>11</sup> Ibidem, p. 98

In the cotemporary conditions of *presidentialism*, the perception of the presidential cabinet of James Brice (on which the Constitution of the United States does not contain a single provision), as *sultanic*, i.e. tsarists (Chupchan, 2002: 216) becomes relevant again.

The history does repeat itself. Abraham Lincoln clearly defined his *sultanic* status in relation to the seven-member-strong cabinet in the 1860ties when he noted: “we have seven “no” and one “yes”, which means the decision is “yes”. The contemporary American presidents do exactly the same in relation to their fifteen-member-strong cabinets.

Today, the deformation of the presidential system in *presidentialistic* is not only a distinctive characteristic of the South-American and African states. There are strong *presidentialistic* elements to be recognized in the mixed-model of governance in several post-communist states, as Belarus, Ukraine, Kirgizstan or Tajikistan, even in the Russian Federation, during the time when Putin was president.

### **3. Mixed (combined) model of organization of government?**

#### **3.1 How to be defined?**

The third wave of democratisation (Huntington, 1991) with a power of a hurricane hit the states of Central and Eastern Europe, thus awaking not only the academic, but also the practical interest in the models of governance and democracy. The variety of newly-found combinations of elements of parliamentary and presidential system *relativized* and *problematized* the parliamentary-presidential system(s) dichotomy. The old/new dilemma, linked to the dichotome classification found its place in the famous “Presidential or governmental power – is there a difference” (Linz, 1994).

The “New” model, as a symbiosis of two basic types of organization of government is “methodological attempt” to respond to the needs of the ambivalent and contradictory reality. The literature devoted to the mixed (combined) system is relatively scarce.<sup>12</sup> Neither the number of its apologists is high. However, Sartori gives it a way in comparison to the “extreme” *parliamentarism* and “extreme” *presidentialism*.

As a heterogenic, even contradictory phenomenon, it is hard to be defined. ( Elgie, 1999: 132). The political and constitutional engineering in the new democracies of the post-authoritarian and post-conflict type further complicates its, even without that complex structure.

Robert Elgi distinguishes among three definitions of the mixed system. The first approach focuses on the real power of the political institutions.

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<sup>12</sup> Due to these reasons the European Constitutional Review, n. 2, 2006, opened this issues: p. 54-100.

A semi-presidential system, according to this type of definition is the one in whose bi-cephalous executive it is the president who has underlined authority. In the same time the method (direct or indirect) of election of the head of state, as well as his constitutional status are irrelevant. What matters are the relations in the real life; what matters is the real (super)power of the president in relation to the government. Such definition, understands as semi-presidential most of the states in Central and Eastern Europe, including the states that were created from the ex-Soviet Union.

The second type of definitions is based on the premise of combination of constitutional power of the holders of executive government. In this respect Morice Duverger, the author of the term “mixed system” in 1970 defined that semi-presidential system is the one where: firstly, the president is elected through direct elections, on the bases of general suffrage; secondly, the president holds significant prerogatives; thirdly, the prime-minster and the ministers hold the executive and administrative power and they are able to retain their positions only until they have parliamentary support. ( Duverger, 1980: 166).

Some supporters of this approach believe that it is indispensable in the semi-presidential system for the president to be directly elected, and this is considered as needed but not sufficient condition for certain system to be seen as semi-presidential, i.e. in such system it is understood that a strong president is in power. ( Stepan and Skach, 1993: 35).

Examples of semi-presidential system understood in this way are France and Portugal. Sartori supports this position. According to this approach, Austria, Island and Ireland are not part of the group of countries with semi-presidential system, but belong, in essence, to parliamentary systems, in which constitutionally and legally, the presidents are strong, but in reality – they are weak.

The third type of definitions is focused on the institutional design, disregarding the real relations. According to these, the mixed system is characterized by: firstly, bi-cephalous executive; secondly, by president who is elected on direct elections and has fixed mandate; a thirdly, the prime minister and the government report to the parliament (Elgie, 1999: 146).

According to Sartori, in the semi-presidential system the president of the state, notwithstanding if (s)he is elected directly or indirectly, has fixed mandate and shares the executive with the prime minister and the government. The president of the state is independent in relation to the parliament, however (s)he does not govern alone and directly, but his/her directives should be accepted by the government. The prime minister and the ministers are independent from the president and depend on the parliament. Of course, the relationship within the executive are changeable, however, both heads of executive do have potential autonomy (Sartori, 2003: 154-155).

The differences in the understanding and defining of the mixed system have terminological consequences. The issues at stake are the following: Are the semi-parliamentarian and semi-presidential system synonyms or not? Does the prefix “semi” presuppose that a given system is in the middle of an axis, one pole representing the presidential and the other pole - the parliamentary system? Or it is a completely separate model? Duverger prefers the term semi-presidential in order to underline the power of the president in the Fifth French Republic. Other authors underline that it is a heterogenic and incoherent system, which contains in itself elements of conflict, and it is not a pure model. According to these authors, the “mixture” is expressed in two ways: firstly, as prime-ministerial-presidential system, and secondly, as presidential-parliamentary system. However, as in the case with the parliamentary and presidential system, also in the case of the mixed system, its functioning depends on the democratic tradition, political culture, electoral and party systems.

In many ways its functionality and efficacy depends on whether the president of the state and the prime ministers are from the same or different parties. In the case of the second situation, we speak about co-habitation. For Duverger, the French model of organization of government is not an original synthesis of parliamentary and presidential systems, but through its development sometimes it can be rather identified with the parliamentary and sometimes with the presidential system. Sartori holds a different opinion. He believes that the Fifth French Republic is an original, i.e. authentic mixed system, which is based on flexible division of power, bi-cephalous executive, with the relations between the two heads of the executive being determined by the parliamentary majority.

### **3.2. The Dilemmas of the Mixed Model**

We are witnessing wide implementation of the mixed system. However, in the same time, we are witnessing ever louder criticism of the results of its application. Finland introduced the system in 1919 and since then in different forms it has been applied by: Austria in 1934; Ireland in 1937; Iceland in 1944; France in 1958; Portugal in 1976; Russian Federation in 1993; and other post-communist states in Central and Eastern Europe.

The Fifth French Republic of Charles de Gaulle is considered the most typical example of the mixed system. The source of de Gaulle's power was not only the Constitution from 1958, according to which he, being the president of the Republic, had the first, i.e. an honorary place, but he also had a “historical role” in the development of stable system, after the chronically instable Third and Fourth Republics, and last but not least, he had personal charisma. The dominance of the presidential power was not moved into the history with the departure of de Gaulle from the political scene. On the contrary – it became French political heritage. Even more, President Mitterrand, as political *Le Dieu*, even surpassed the inaugurator of this model of practicing of *presidentialism*. We already noted that the Fifth French Republic was characterized by flexible division of power and bi-cephalous executive, the two heads of which do



have effective power. The head of the state is elected on direct election, and the practice of “direct dialogue with the people”, as used to say President de Gaulle, allowed for the head of the state to be profiled as republican monarch. The French president ensures “regular functioning of the public authorities and continuity of the state”, and (s)he is “guarantor of the national independence, integrity of the territory, and respect of the contracts of the community and of the international agreements.”<sup>13</sup> (S)he actually has a mission and function of an arbiter. In the process of nomination of the prime minister, the head of the state has no obligation to consult the parliamentary parties, but of course that (s)he has to take care about the parliamentary majority and upon the proposal of the prime ministers he appoints and relieves of duties the members of the government. (S)he chairs the meetings of the Ministerial Council, and his acts do not need counter-signature of the prime minister or relevant minister. (S)he opens and concludes the sessions of the French parliament with a decree, and after consultations with the presidents of the National Assembly and the Senate, (s)he can dissolve the parliament and call early general elections.

The parliamentary dimension of the French model is especially recognized in the political responsibility of the government before the parliament. The parliamentarians control the government through the institute of “questions by parliamentarians” and the parliamentary majority through voting of non-confidence to the government, could make it resign.

The built-in conflict of this model stems from the existence of two organs with the same legitimacy, which allows for different interpretation of the “national will” by the parliament and the president. “The risks of conflicts are big, and each organ insists on its power to its fullest. Also, the risks from certain institutions being blocked are also not been overlooked.” (Pactet, 1992: 155). The conflicts between the president and the parliament are obvious when the president does not have the support of the parliamentary majority. This take place when the two heads of the executive belong to different parties, i.e. in circumstances of cohabitation, in the ambient of “co tenancy”.

The success of the Fifth French Republic is beyond doubt. It possesses constitutional and governmental stability, and respects the will of the electorate. It has successfully went through several crises, including the civil war that followed the Algerian conflict, the implosion of 1968 and co-habitation conflicts like the one between President Mitterand and prime minister Chirac between 1986-1988, and the one between President Chirac and prime minister Jospin, between 1997 – 2001. The political institutions are stable, and the peripheral (i.e. radical) political parties and their actors are – marginalized.

The Fifth French Republic proved to be adaptable and flexible structure. The critiques of the French model were not directed towards distortion of the foundations of the Fifth Republic. The constitutional amendments,

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<sup>13</sup> Article 5 of the Constitution of France of 1985

which could be understood as a normative therapy, aimed to allow deliberative democracy.<sup>14</sup> The change of the Article 6 of the Constitution aimed exactly at this, i.e. shortening the mandate of the president from seven to five year. This change took place in 2000. In 2006, the responsibilities of the president received further constitutional concretization. This is reform “a minima”, directed towards finding a cure for controlled presidentialism. However, we do hear also academic commitments towards reform “a maxima”, through undertaking a “surgical operation for resolving the hexagonal problems of the French presidential system, in which the political parties are being *presidentialised*, political discussion being *presidentialised*, political life as a whole being *presidentialised*. The academically semi-presidential France, in practice is actually super-*presidentialised*.” (Duhamel, 1993: 181).

The comparative experience of the mixed systems reveals that they develop more as presidentialism in consular form and less as parliamentary system. Why is this the case? In the first instance, due to lack of longer democratic tradition and democratic culture, as well as in circumstances of socio-economic sub-development, the personal power of the president is being underlined. Also, the contrary is true. The elements of the parliamentary system are more visible on those mixed systems which are created in the states with developed economy and well-established democracy.

#### **4. Mixed System – the Macedonian Way**

##### **4.1. Macedonian “Constitutional Cocktail”**

The Constitution of the Republic of Macedonia inaugurated the division of power between the legislature, executive and judiciary, and defined this division of power as founding value of the constitutional order since 1991.<sup>15</sup> The legislative power is located in the parliament, the government and the president share the executive power, and the judicial power belongs to the courts.

The parliament is defined as representative body of the citizens, and as beholder of the legislative power.<sup>16</sup> It has between 120 and 140 parliamentarians, elected through proportional system, through usage of the D’Hont’s formula, without electoral census, in six regional electoral districts, each of which delegates 20 parliamentarians. With the changes of the Electoral Code from 2008, three mandates have been introduced in the parliament for nationals of the Republic of Macedonia living outside the country, in order to ensure the representation of the Diaspora in the parliament, and in order to provide an opportunity for voting at voting

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<sup>14</sup> Under the presidency of George Vedel, the Consultative Committee on revision of the Constitution handed over to the President of the Republic: Basic proposals on constitutional reform in 1993. Further on this see in: O. Duhamel, Уставно право-демократиите, Скопје, p 184-186.

<sup>15</sup> Article 8, line 4 of the Constitution of 1991.

<sup>16</sup> Article 61 of the Constitution.

stations that are territorially not situated in the country. The mandate of the parliamentarians is four years. So, the source of the legitimacy of the parliament stems from the will of the electorate, which is being expressed at general, direct, free elections undertaken through secret vote.

The executive, as noted above, is bi-cephalous. The government is holder of the executive power and the president has symbolic responsibilities, even though it is being elected through direct elections. His/her mandate is five years and he can be re-elected one more time.

The judicial power is being performed by the courts and independent state organs. According to the Law on the Courts from 2006, in Macedonia there are: 27 primary courts, four appellate courts (in Skopje, Stip, Bitola, Gostivar), one Administrative Court and a Supreme Court of the Republic of Macedonia. The courts rule on the basis of the Constitution, the laws and the ratified international agreements.<sup>17</sup>

The flexible division of power, as a characteristic of the parliamentary system, can be seen in the mutual inter-linking and interference among all three powers. The parliament “trespasses” in the territory of the executive through: the institute of “questions by the parliamentarians”; possibility for interpellation, voting of (non)confidence to the government; the election and relieving of duties of the prime minister and the ministers; it right to request from the president of the Republic to provide his/her opinion on the issues which are within his/her competence; as well as through the right to initiate and impeachment for the president of the Republic, in the case when (s)he has violated the Constitution or the law.

The parliament influences the judicial power in several ways: through adoption of the Law on the Courts, through which it determines the type and the number of courts; through adoption of the judicial budget; through election of the public prosecutor; through election of three, out of fifteen members of the judicial council.

The government of the Republic of Macedonia penetrates the legislative power through proposals of: laws (it proposes more than 97% of all laws), the budget and other legal acts; provision of obligatory opinion on the draft-laws and other acts submitted by others; through participation in the work of the parliament and its working bodies and through its right to request convening of parliament in sessions.

The president of the Republic influences the legislative power through: the right of suspending veto of the laws that are being adopted with relative or absolute majority; the report (s)he submits to the parliament, once a year, on the issues belonging to his/her competences; through election and relieving of duties of the government and other functionaries during the state of war, if the parliament can not be convened in session.

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<sup>17</sup> Amendment XXV of the Article 98 of the Constitution.

The Macedonian constitutional model of organization of government belongs to the group of mixed systems, but it is dominated by its parliamentary characteristics: firstly, the government belongs to the parliamentary majority and reports to the parliament; secondly, there is bi-cephalous executive; thirdly, the government is the non-stable element of the executive; fourthly, there is collaboration between the legislative and the executive power. However, it also lacks some standard characteristics of the parliamentary system: there is no mechanism on dissolution of the parliament by the executive power; the institute of ministerial counter-signature on the acts of the president is non-existent, there is no compatibility between the parliamentary and ministerial function, i.e. the Constitution clearly declares this incompatibility. It is obvious that Macedonia does not have “pure” parliamentary system, but it has mixed model of governance.

Also, elements of presidential system could be detected in: firstly, the direct election of the head of the state and the stability of his function; secondly, his/her right of suspending veto, thirdly, the responsibility of the president only in case of violating the Constitution and the laws (impeachment). However, the Macedonian system does not have the key characteristics of presidential system: the strict division of power, mono-cephalous executive and presidential cabinet. That is why, obviously, we can not speak of presidential system, even less of *presidentialism*.

The constitutional model of Macedonian organization of government could be distinguished from the dominant type of mixed system of the French type, through the following: firstly, the head of state has no effective executive power, so (s)he does not appoint the prime minister and ministers, does not chair the meetings of the government, neither (s)he signs the acts of government; secondly, the executive does not have the power to dissolve the parliament; thirdly, Macedonian president does not have a right to call a referendum, like the French president; fourthly, the Macedonian president can not propose laws, but does have the right to propose amendments to the Constitution.

The similarity between the Macedonian model and the French one can be seen in the incompatibility of the parliamentary and ministerial function (which was exactly the position that de Gaulle vehemently supported), as well as the bi-cephalous executive power.

We already mentioned that the Constitution of the Republic of Macedonia does not recognize the institute of dissolution of parliament by the organs of the executive, but only the institute of self-dissolution. This means that the parliament can be dissolved only if this decision is adopted by 61 out of 120 parliamentarians.

Self-dissolution is a rare institute in the comparative constitutional law. It is known, for example, to the Basic Law of Israel from 1958, according to which the Knesset can only be dissolved by the parliamentarians themselves, but not by the government or the president of Israel. Stronger provisions are contained in the Constitution of

Norway from 1814, according to which the Storting remains in power for the whole duration of the four-year mandate, without the possibility of dissolution or self-dissolution. Also, the Swiss National Council can not be dissolved neither by the executive, “nor by the members of the Council themselves” (Lovo, 1999: 223). However, in the case of Switzerland we have to take into consideration that a convent system is there in place, even though one should not forget that Swiss model has also been understood as directorial one. We should also not forget the specific examples of Belgium, Spain and Germany, where in the framework of the “constructive non-confidence vote”, the parliament can annul the government, only if it immediately elects a new chancellor.

The election and the relieving of duties of the prime minister and the ministers by the parliament and the impossibility for dissolution of the parliament, i.e. the possibility for only self-dissolution of the parliament, provide to the Macedonian parliamentary-presidential model characteristics of an assembly model. In the spirit of the assembly model, the Macedonian prime minister does not have a right to personally relieve of duties individual ministers, but (s)he can only propose this to the parliament, which has the final decision making power.

So, the parliament “threatens” the prime minister not only with non-confidence vote (in which case the government has to leave, without the possibility to take the parliament down with itself, through provoking of joint “political death”, i.e. dissolving the parliament) but also through interference in his/her human resources. The prime minister is not free to make reconstruction of his/her “own” cabinet without the acquiescence of the parliament. This puts the government in inferior position to the parliament, and through this the principle of division of power is being put into question. Due to this situation, we can not speak neither about equality and *égalité* of the legislative and executive power, nor about responsibility of the government in the spirit of parliamentary system. In situations in which it is neither constitutionally, nor legally possible to call early elections, the parliament, notwithstanding its (in)efficiency, remains untouchable for four years, and not only for the executive, but also for the electorate, which is the source of its legitimacy! Only the monistic theory of parliamentarism from the second half of the XIX century could have provided the theoretical inspiration for this model (Shkaric, 2006:449). Professor Dimitrov, member of the Macedonian Academy, qualified the Macedonian model of state government as “parliamentary system with elements of assembly system” (Dimitrov, 1991:108). According to us, this is a parliamentary system with elements of presidential system, with relicts of the previous assembly system.

#### **4.2. The real face of the Macedonian mixed system**

##### **4.2.1. Janus with two faces: parliamentary and presidential**

The relatively short experience of the Macedonian parliamentarism and democracy, shows, once again, that factual power and relationships between the Macedonian institutions do not depend only (and predominantly) on the Constitutional norms. During the biggest part of

the mandate of the charismatic President Kiro Gligorov (till 1998), the mixed system *de facto* functioned as presidential. That was seen and noted by the Carnegie Commission on the Balkans, in its report from 1996.<sup>18</sup> The contrary has also been true. During the presidential mandate of Boris Trajkovski, the mixed system in reality functioned as parliamentary. Of course, the real status of the president is linked to his/her membership and/or links with a particular political party, even though the Constitution prescribes incompatibility between the presidential function and the performance of any other function, profession or party function.<sup>19</sup> However, when the “presidential” party is in power and (s)he is a strong party figure, there is a real possibility for the president becoming the informal key figure in the system. Through this the system is being transformed into presidential. The strong personality and the social-democratic majority in the period 1992-1998 allowed President Gligorov to be the key “decision maker”. When VMRO-DPMNE won the parliamentary elections in 1998, the mixed system manifested itself as parliamentary-presidential system, in circumstances of co-habitation.

In the Macedonian political ambiance, when the president of the state is not dominant figure in a political party, (s)he remains only the “second” head, even more – an expanded arm of the government, i.e. of its boss – the prime minister – who becomes much more than only “*primus inter pares*” among the ministers. Even though President Boris Trajkovski was member of the Executive Committee of VRMO – DPMNE before his election as president of the Republic, he did not have any considerable influence on the party politics in VRMO – DPMNE, and he was in the shadow of Ljubco Georgievski. That is why the period 1999 – 2002 is a period of parliamentary system in Macedonia. However, the cabinet type of government did not dominate fully, since the parliamentary majority of the “Coalition for Changes” was not strong enough. However, it is possible for the political situation in Macedonia nowadays to be characterized not only as cabinet model of governance, but even as “prime-ministerial republic”. Why? Because the current ruling coalition in Macedonia has parliamentary majority of two-thirds. Also, on one side, Nikola Gruevski, the prime minister, has unchallenged status in any aspect, and on the other side, Gjorge Ivanov, the president, even though he was party candidate of the ruling party, did not have any history of engagement in the party.

In a *partyocratic* state, as Macedonia is, it is inconceivable for a non-party related individual who would due to his/her independence, become a subject and factor of balance between the parliament and government, to win presidential elections. The presidential elections in two rounds (in which one candidate needs absolute majority of the votes to win in the first round; or one of the two candidates that won most votes in the first round (ballotage) needs relative majority of the votes cast in the second round, if more than 40% of all registered voters voted) call for very strong party support and activity, which can not be provided by

<sup>18</sup> See: “Report of the International Commission on the Balkans, Unfinished Peace”, Carnegie Endowment for International Peace, Washington D.C., 1996, p.128.

<sup>19</sup> Article 83, paragraph 1 of the Constitution of the Republic of Macedonia.

independent candidates. Not to even mention the finances needed for the campaign.

#### **4.2.2. Cohabitation – partnership of conflict?**

The cooperation between the president of the Republic of Macedonia and the government is a necessity in the areas of joint/divided responsibilities, which, according to the Constitution, include: foreign policy, defense and security of the state. In these areas the bi-cephalous executive functioned as duet (when both heads had same political color), even though the public was witnessing certain differences of opinion between the president and the prime minister, as a result of: the individual rivalry ambitions accompanied by vanity and arrogance and rooted in the patriarchal political culture of the Balkans; intra-party informal faction conflicts, inspired by the one or the other; pressures of the coalition partners or the international community.<sup>20</sup>

In all cohabitations till now the duo grew into duel. As I mentioned before, according to the Constitution of the Republic of Macedonia, foreign policy is common competence of both the president and the government of the Republic, but the making of the foreign policy is in the competence of the president. This is in line with the constitutional provision which stipulates that “the president signs international agreements, and the government has this competence if this is regulated by law”.<sup>21</sup> However, as the most active proposer of laws, the government has interpreted this extensively, and it became the dominant subject in this area. So, the Law on Signing, Ratification and Execution of International Agreements “promotes” the government into a subject that concludes international agreements in various areas!

The Law on Government aimed to prevent disharmony in undertaking of the commented responsibilities and to provide the needed partnership between the president and the government in these areas. According to this Law, the government is obliged to inform the president on all issues in which it has common competences and responsibilities with the president. In practice, however, the informing has either functioned very poorly, or did not function at all in circumstances of cohabitation. Exemplary situation is the one when the government recognized Taiwan in 1999. The Government of Ljubco Georgievski secretly recognized Taiwan, thus not conforming with the legal obligation to inform the president on this. The government forgot the president, however, he refused to accept the letter of credit of the Taiwanese ambassador. This was followed by a veto of China on the extension of the UNPREDEP mission in Republic of Macedonia, the UN forces left, and their presence on the border between Macedonia and FR Yugoslavia in the section of Kosovo was substituted with the forces of NATO. In this case, as in many other cases, Macedonian politicians did not respect, what in

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<sup>20</sup> For example, President Crvenkovski and the Prime Minister Buckovski gave on several occasions different statements on the recognition of Kosovo.

<sup>21</sup> Article 119 paragraph 1 of the Constitution of the Republic of Macedonia.

English tradition is known as “the mandate theory”.<sup>22</sup> There was no mentioning of possible recognition of Taiwan in the pre-electoral programs of the parties that formed the coalition at the time. Over and above this, they did not behave as statesmen, since they did not take into consideration the impact of their acts on the standing of the country and on geopolitics.

Also, the Law on Defense, in its efforts to provide further details on the provisions related to the defense of the country, extended the functions of the ministry of defense in the area of command and equipping of the armed forces, forgetting that, according to the Constitution, the president is the commander in chief of the armed forces of the country.<sup>23</sup>

In the area of security, in which there are shared responsibilities between the president and the government, cooperation is also needed. In order to provide for this cooperation, the Law on the Intelligence Agency prescribes that the president is responsible for appointment and relieving of duties of the head of the Agency, who is, in turn nominated by the government. However, the government is authorized to adopt an “Act on the usage of the information collected by the Agency”, only after it receives an agreement from the president.

In all of the aforementioned areas there was a blockade in the decision making process, due to lack of cooperation in the cohabitation.

However, we do not hold the position that the manifested inability, i.e. unpreparedness to overcome the party interests and to achieve consensus on the issues which are common competence of both the president and the government, is a key evidence that cohabitation can not exist in Macedonia, and that it is even annulled, through the recommendations for replacing the direct election of the president in general elections, with its election in the parliament, i.e. the creation of pure parliamentary model. In the ambience of *partitocratic* syndrome, i.e. when the parties are omni-potent, the election of the president in the parliament by the parliamentary majority would increase the danger from ethno-party-oligarchic auctions, blackmailing and political trade and it will block this election. Apart from this, in case of the indirect election of president, when both heads of the executive would always have the same political body, maybe we would receive more efficient government, but we will be faced with the absolute power/party power, on the consequences of which Lord Acton warned a long time ago. The politological diagnosis of “partitocrazie”, from which Macedonian democracy suffers, creates a condition in which it is very complicated to delineate what is a party, what is a state, i.e. where the party sphere ends, and where the state begins. The proportional electoral model, with closed and non-dynamic lists, in the ambience of lack of intra-party democracy, fortifies the positions of party patrons and their camarillas, degenerating not only the intra-party but also the parliamentary democracy.

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<sup>22</sup> On the mandate theory see in J.Adler: Constitutional and Administrative Law, Macmillan, 1994, London, p.146.

<sup>23</sup> Article 79 paragraph 2 of the Constitution of the Republic of Macedonia.



The indirect election of the head of the state will take from the citizens the rare possibility to have the last word in the selection of the head of state.

The presidential elections till now showed that citizens made their decisions not always in line with the party credo, but also in line with the integrity and the dignity of the candidates for president. We witnessed the “splitting” phenomenon, when the electoral results revealed that some members and supporters of certain parties did not vote for the party candidate, but for their favorite choice. After having fifty years race with only one horse, the citizens prefer the option to be able to make direct choice of their mayors and the president of the Republic.

All the rest remained “party issue”. De jure and de facto, the parties in Macedonia are centralized political structures, with disciplined and sedated members, which are being awakened only every fourth year.<sup>24</sup> When there is an absence of more precise criteria and procedures than the Weber type, patronage model of nomination of candidates is a dominant practice. Submissive political culture is *modus vivendi* of the party life, and the right to create tendencies and fractions is very rare, more decorative phenomenon in the charters of the Macedonian parties.<sup>25</sup>

The promoters of the classical parliamentary system, who promote indirect election of the president, do forget that in the 1990s the charismatic Kiro Gligorov received the needed two-thirds majority for his election in the parliament only in the second round of voting. The reason for this was imbedded in the request / condition / blackmail of the opposition (without the votes of which the election was not possible) to guarantee the election of the leader of the biggest opposition party at the time, VMRO-DPMNE, Mr. Ljubco Georgievski for vice-president.<sup>26</sup>

The cohabitation in the last two decades often forced ultimate enemies to have a dialogue, to agree, to show tolerance and to reach compromise, in order to look for the much needed consensus on issues of national interest. In the area of diplomacy, however, the cohabitation was/is a type of a check in the partization of the human resources issues in this sphere.

Macedonian presidents, in the practice until today, have very rarely used the veto in relation to adoption of various laws. However, in several

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<sup>24</sup> On the organizational structure and problems of intra-party democracy of the parties in Macedonia, see in: Gordana Siljanovska –Davkova., in “ Organizational Structures and Inter Party Democracy in Macedonia”, in the “ Organizational Structures and Inter Party Democracy in South Eastern Europe”, group of authors, ed. Georgi Karasimeonov, Goreex Press, Sofia, 2005.

<sup>25</sup> Until now, only the charter of New Social Democratic Party (NSDP) allows the establishment of fractions. However, when several members of the party aimed to establish of a fraction, this request resulted in major problems.

<sup>26</sup> The strange function “Vice-President of the President” was abolished with the Constitution from 1991. The re-introduction of the vice-presidential function in the framework of the parliamentary system, which would be guaranteed for a parliamentarian-Albanian with in-directly elected president, is a requirement of the parties of the Albanians in Macedonia.

cases, the veto used by the president, resulted that the parliamentarians, in line with the Rule of Law, instead of the Rule of man, to re-read the Constitution. In line with the letter of the Constitution, the president has a right to veto only the laws adopted with relative or absolute majority, but not those that are adopted with two-thirds majority. If the law, that was vetoed by the president receives absolute majority in the second vote, the president is obliged to sign it into a law.<sup>27</sup> So, in the Macedonian mixed system, there is no possibility for the suspending veto to grow into “pocket” or absolute veto.

#### 4.3. Does the Macedonian parliament perform the “universal” parliamentary functions?

Macedonian parliament has the same destiny as all of the contemporary parliaments. It is a place in which the already adopted decisions in the government or the decisions of the party leaderships are being legalized or legitimized. It is very hard to prove that the Macedonian parliament is a public and a political arena in which politics/policies are being created and in which the personal problems of the citizens are resolved.<sup>28</sup> Of course, there were periods in which the parliamentarians maintained relative autonomy, but also there were other periods in which the parliament was in the strong hug of the government. Until today, the Macedonian parliamentarians represented less the citizens and their interests and more the parties that nominated them. Their constitutional right to vote “in line with their consciousness”<sup>29</sup> manifested more as a “privilege” of lonely individuals-parliamentarians, which “had the nerve” not to be disciplined party soldiers. Some of them had to pay their parliamentary integrity with loosing of the function, and even being expelled from their parties.<sup>30</sup> The Macedonian citizens were only deaf witnesses of many marathon/day-and-night lasting parliamentary sessions, at which controversial laws, decisions, resolutions and (un)controversial nominations and appointments have been made. We have followed clever and inspirational discussions, but also we have heard endless, fruitless, pathetic, even humiliating and plagiaristic speeches, full of emotions, and deprived of arguments.<sup>31</sup> Parliamentarians have been both rational, but also irrational spenders of

<sup>27</sup> Article 75 of the Constitution.

<sup>28</sup> For months, opposite the building of the parliament, a tent-habitat of the former workers in bankrupted companies was posed. They demanded a Solomon-solution for their right to retirement compensation, as, due to the lack of the legally required number of year of professional work, or age, were not able either to be re-employed, or to retire. Due to this, their social existence was in question. These people called those that they voted for to implement the promises given in the election campaign, but their voice was did not manage to cross the street or it was only echoing from the parliamentary premises walls.

<sup>29</sup> Article 62, paragraph 2 of the Constitution.

<sup>30</sup> For example, the member of the parliament and member of the Liberal Democratic Party (LDP), Lijljana Popovska was relieved from the duties as vice-speaker of the parliament, due to her position in relation to certain aspects of the Law on the territorial organization from 2004, which were different from the ones of her party.

<sup>31</sup> The parliamentarians from the Social Democratic Union and the parliamentarians from the Democratic Union for Integration blocked the amendments to the Rules of procedure of the parliament, which prescribed limitation of the discussion of the parliamentarian, with the argumentation - „no speech, no democracy”!?

our money and time, inspired by “filibuster logic”, and not by the need to articulate and aggregate interests.

Our parliament, i.e. the political parties produce more politics than policies. The system of working bodies of the parliament (committees) does not guarantee effective parliamentary policy making process. There is a chronic problem of quorum in the committees, due to the indifference, but also due to the incompetence of the parliamentarians. The reduced, even the suspended usage of the public hearing, which is not possible without representatives of the pro and contra arguments and without the participation of the civil society and the representatives of the epistemological community in the work of the committees, reduced their functionality, and especially the quality of their decisions and does not guarantee “good governance” (Siljanovska-Davkova, 2003: 53-56). The plenary sessions look like repetition of the parliament committee’s discussion, where those who had to be there did not take part, so the same issues are being re-opened again.

It is clear that the role of the parliament in the creation of politics and the search for the adequate answer to the government initiatives is a direct function of the competency of the working bodies of the parliament. The committees of the Macedonian parliament have a very low capacity, due to the dominance of the ethno-party criteria over the objective criteria. Due to this, the parliamentarians are not being supported with qualified human and technical resources, which are of immeasurable importance when they would need to defend themselves from the dictatorship stemming from their parties or from the concealed lobby- pressures.

The plenary sessions of the parliament are real political drama. Under the lights of the TV-cameras and before the eyes of the TV-viewers, the politics of conflict dominates. And this politics is not pursued in honest manner, with arguments and alternatives, but with defamations and disqualifications. Sometimes, the parliament looks like Becket’s theater of absurd, and other times it looks like a spectacle. The citizen, who follows the parliamentary sessions (at the especially to this devoted national TV-channel), expects solutions of the piling problems, and feels likes “lupus in fibula”.

What do the citizens think of their representatives in the parliament and about their work, i.e. about the parliament itself? As a part of the project “My Parliamentarian”, a survey was conducted, which showed the following results: approximately 23% of the interviewees believe that the work of the parliament is average (mark 3 out of 5, with 5 being the best mark) and 30% believe that it is unsatisfactory (mark 1). More than 84% mark the work of the parliament with marks 1-3, and only 14% with marks 4-5. For 26,6% of the interviewed population the role of the Parliament in the decision-making process is low, for 35% it is average, and for 26,1% it is big. The biggest part of the interviewees (35,5%) believes that the parliament is completely dependent on the government. Not less than 66,4% think that the parliamentarians badly perform their duties, 84% responded that they have never had a meeting with the parliamentarian from their electoral district, and 84% have never heard

that the parliamentarian from their electoral district has started any new initiative for resolution of problems that citizens in his electoral district are being faced with. Further, 52,3% of the surveyed population does not know that there are offices for communication with the parliamentarians on local level, and that there are offices for contact with the NGO sector in the premises of the parliament knows only 33,2% , and only 5,4% of all surveyed have established any contact with them.<sup>32</sup>

It is obvious that the Macedonian parliament hardly performs the function of linkage, a function so important for the representative democracy. The question here is whether the parliament of the Republic of Macedonia is important “communication mechanism” (Blondel, 1973).

The speaker of the parliament has the key role in the relations with the government, but also with the president of the state. It is the speaker who, according to the Constitution, replaces the president in the case of the inability of the latter to perform his/her function.<sup>33</sup>

In the parliamentary practice until today, the speaker of the parliament looked more like the American rather than the British speaker. (S)he, apart from the authorities prescribed with the Rules of the procedure of the parliament, also has all the authorities that are born by each parliamentarian, i.e. has all the rights to participate in discussion in the parliament and to vote. The speaker of the Macedonian parliament is very far from being “neutral like a pope”, as the British speaker is being qualified.<sup>34</sup> In all parliaments till now, the speakers of the Macedonian parliament have been more in the function of the government, than of the members of parliament. This is especially important in their relationship with the members of opposition. The insufficient respect toward the opposition, which is treated more as political enemy, rather than as a democratic partner, resulted in several interpellations for the work of the speaker of the parliament.

#### **4.3.1. Parliamentary control over the government**

##### **4.3.1.1. Questions by the parliamentarians**

The control of the government, as condition sine qua non of the parliamentary system, is being implemented in the Republic of Macedonia only partially. According to the Rules of procedure of the parliament, parliamentarians can pose questions to the government once a month – during a special session devoted to this, in the last Thursday every month. One member of the parliament can pose not more than three questions during one session. The government is obliged to respond orally to orally posed question, and only in exceptional circumstances to provide written answer in no more than 10 days. The written answer is submitted to the speaker of the parliament, and (s)he is

<sup>32</sup> Report for 2010, as part of the project „ My parliamentarian“, implemented by the organization “Most”.

<sup>33</sup> Article 82, paragraph 3 of the Constitution of the Republic of Macedonia.

<sup>34</sup> Even though we do not think this comparison is appropriate.

obliged to make it available to all parliamentarians. The members of the parliament have the right to comment the received answer. However, there is no further debate on the received answer. Through this procedure, the “questions time” in the Macedonian parliamentary ambience has never received the standing that it deserves in one parliamentary democracy, neither as an instrument of control, nor as an instrument of access to information. One indication for this is the overall number of questions posed by the parliamentarians to the government. In 1992 - 166 questions were posed, and in 1995 – 485 questions. In the period 2000- 2003 the number of questions is 197, i.e. between 16 and 52 questions being posed during one session. Similar is the situation in the period 2003-2007. If we compare Macedonian numbers with the British ones, which reach 50.000 questions per year, or the French numbers, where there are up to 12.000 questions in the National Assembly and 4.700 in the Senate per year, we would be able to easily assess the impact of the democratic tradition on the usage of democratic mechanisms.<sup>35</sup>

#### **4.3.1.2. Interpellation**

The Constitution of the Republic of Macedonia recognizes interpellation. This Latin term is being translated as “question, assault or protest”. In the parliamentary systems it usually refers to the work of the government and its members, and in Macedonian case it refers to the work of all holders of public and state positions. An interpellation can be submitted by five parliamentarians, in written form and accompanied by an appropriate elaboration. It is being submitted to the speaker of the parliament who is responsible to deliver it to the holder of the public or state function in question. The individual to whom the interpellation is directed has a right to submit a written response to it within 15 days from the day of its receipt, again to the speaker of the parliament. The interpellation is being made an item on the agenda of the parliament at its first session after ten days have passed since the parliamentarians have received the report on the interpellation. The goal of the interpellation is to initiate a debate on the issue that is in its focus. This debate is being completed with a conclusion, which condenses the position of the parliament in relation to the statements contained in the interpellation. The Constitution of the Republic of Macedonia does not prescribe how the procedure related to interpellation ends, and what the repercussions from it are. Since 1991 until today, over ten interpellations have been submitted. As expected, in all of these cases it was the parliamentary opposition that initiated them.

#### **4.3.1.3. Inquiry commissions**

The Macedonian parliamentary law recognizes the institute of inquiry commissions. As in other systems, also in the Macedonian one, these can be very powerful tool of the opposition, especially during the periods of

<sup>35</sup> On comparative experiences see in: Снежана Гушева: Политичка контрола на Собранието на Р. Македонија врз Владата на Р. Македонија, (LLM work), Правен факултет, Скопје, 1997, p.137-138.

strong executive. According to the constitution, an inquiry commission can be established in any area and on any issue of public interest.<sup>36</sup> A proposal for establishment of such commission can be submitted by 20 parliamentarians. The findings of the commission are a basis for initiation of a procedure for determination of responsibility of holders of public functions. The parliament in the Republic of Macedonia did not activate this institute even in situations in which it should/had to do that. How it could be explained that the proposal of the Liberal Party to establish an inquiry commission for determining the facts related to the assassination of President Gligorov in 1995 did not receive support? How to understand the fact that even though there were numerous scandals involving various public functionaries, only a handful of commissions were established?

#### **4.3.1.4 Political responsibility of the government before the parliament**

The Macedonian government, as all of the other governments in parliamentary systems, remains in power as long as it has the confidence of the parliament. Contemporary circumstances call for active and creative government, and not for a government that only executes. "To govern, that presupposes to anticipate and to plan" (Janneau, 1981). According to the Constitution of the Republic of Macedonia, the government performs its rights and duties on the bases and in the framework of the Constitution and the laws. In this case we speak about constitutional, limited government.<sup>37</sup>

The political responsibility of the government before the parliament is two-fold: based on solidarity (or collective responsibility) and ministerial responsibility (personal or individual). Collective responsibility is determined through non-confidence vote to the government, which is initiated with the votes of 20 parliamentarians. The vote is undertaken after three days from the initiation of the non-confidence vote. The decision is adopted with an absolute majority.

The government resigns also in the case of resignation of the prime minister, his/her death or his/her lasting inability to perform the prime-ministerial function. The government which has been faced with a non-confidence vote, or which has resigned, or the mandate of which has been terminated due to self-dissolution of the parliament, remains on its function till the election of new government. That happened with the eighth government of Macedonia, the one of Nikola Gruevski, after the first ever self-dissolution of the Macedonian parliament. It goes without saying that the government itself can put the question of parliament's confidence in it before the parliament.<sup>38</sup>

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<sup>36</sup> Article 76, paragraph 3.

<sup>37</sup> On "limited government" see in: Locke J, *Dve rasprave o vladi*, Velika Edicija Ideja, NIP Mladost, Beograd, 1978, p.31.

<sup>38</sup> See Articles 92 and 93 of the Constitution of the Republic of Macedonia.

Ministerial responsibility can be: political, material, criminal and moral. In Macedonian parliamentary practice there were examples of all of these types of responsibility.

All Macedonian governments since 1991 have not only been coalition governments, but also “Macedonian-Albanian” governments, even when the winning coalition had an absolute majority, so that there was no need for Albanian coalition partner. In these governments, the coalitions look like mixing of “water and oil” and very often these coalitions functioned as “two-in-one”. There were many reconstructions of the Macedonian governments, but the most important ones are those in 1997, 2001 and 2003. In 1997, eight ministers were reconstructed, which comprised one third of the government. According to the Constitution, if the prime minister recommends reconstruction of more than one third of its government, the parliament actually makes a decision for election of a new government.<sup>39</sup> Unfortunately, this did not take place, i.e. the prime minister did not return the mandate to the president of the Republic, under the pretext that the situation in case was a continuation of the government with program-continuity, and that the structure of the party-allocations of ministerial positions will not be affected with this reconstruction!<sup>40</sup>

During the conflict in 2001, at extra-ordinary session of the parliament, held on 16<sup>th</sup> of May 2001, a grand-coalition government was formed, i.e. government of political unity was created. This was undertaken under the pressure of the international factor. Also, in this case the prime minister did not return his mandate to the president of the state. That was supposed to be government of “grand coalition”, one of the basic elements of consocial democracy, in which all relevant segments of the divided society would be represented (Liphart, 1994, p.25). However this was “Macedonian - Albanian” coalition!!

Even though in the Macedonian way of the “power sharing” the power remains with the government, in circumstances of constitutionalized consocial democracy, (apart from the multi-ethnic and the multi-confessional character of the Macedonian state) the real power is with the leaders of the two segments: Macedonian and Albanian and their ethno-party camarillas, as key actors of the decision making process.

<sup>39</sup> Article 94, paragraph 4 of the Constitution of the Republic of Macedonia.

<sup>40</sup> Бранко Црвенковски, Влада на континуитетот, Утрински весник, 15 may 1997, p. 3

**Conclusions:**

1. We live in an ambiance of hibrid models of governance. And the Macedonian model is androgenic. The dichotomist terminology, simplified on the level of parliamentary and presidential systems – as methodological instrument for classification of models and organization of government is not able to properly express the contemporary normative solutions and institutional structures, and even less the political reality. It calls for a need to re-think the division of power and to create new “models” which would work with the real holders of power.
2. The differences neither suspend, nor relativize the need of building and of respecting the value-based, legal and institutional standards of governance.
3. The decision making process must be dispersed and be more representative on different levels. It must not be an exclusive right of the political parties in government and even less of the ethno-party leaders and oligarchs.
4. The political culture has strong influence on the way of functioning of the organs of government and the decision making process. The relicts of the patriarchic and parochial political culture, as well as the domination of the elements of submissive over the ones of the participative political culture in the Republic of Macedonia, are important factor in the profiling of the “governance model” and the constitutional framework.
5. The “governance model” and democracy are not implants, but they are being built, dependent on the social, economic, political and cultural factors. If this is not the case, even the “best model” would not be functional.



**References:**

- Alder, J. (1994), Constitutional and Administrative Law, London:Macmillan
- Andeweg R.B, L. Nijzing. (1995), Beyond the Two –Body Image: Relations Between Ministers and MPs”, in H. Doring ed., Parliaments and Majority Rule in Western Europe, Campus Verlag and Sr. Martin’s Press, New York
- Badinter, R. Une approche trop ethnique risquerait d'aggraver l mal actual, Paris: Le Mond, le 29 juin,2001
- Bagehot, W (1867), The English Constitution, Chapman and Hall, London
- Berlin,I.(2001), Against the Current, Princeton and Oxford: Princeton University Press
- Blondel, J.(2002) Comparative Legislatures, Englewood Cliffs, NY: Prentice Hall
- Beyme,K (1985), The Role of the State and the Growth of the Government, International Polical Science Review, no.1/85
- Ванковска, Б., (2007), Скопје, Политички систем, Борнат, Графикс
- Vasovik, V.(2006), Savremene demokratije, Tom, I, Beograd, Sluzbeni glasnik
- Gusy,Ch. (1994), The Principle of Consensus and Democracy, Zagreb: Nase teme, br.4
- Гушева, С. (1997), Политичката контрола на Собранието врз Владата на Р. Македонија, (LLM work), Правен факултет во Скопје
- Димитров, Е. (1998), Специфичностите на парламентаризмот во Р. Македонија, според Уставот од 1991, во “Пет години од Уставот на Р. Македонија” (Скопје): Здружение за Уставно право
- Daintith, T. and Page A. (1999), The Executive in the Constitution, Oxford University Press, New York
- Duhamel, O.(2004), Ustavno pravo,Tetovo: Logos A i JIE univerzitet
- Duverger, M. (1980), A New Political System Model: Semi-Presidential Government, European Journal of Political Research, no.8.
- Elgie, R. (1999), Semi-Presidentialism in Europe, Oxford: Oxford Universty Press
- Huntington, S. (1991): Democracy's Third Wave, Journal of Democracy, Vol.2.
- Huntington, S.(1991), The Third Wave- Democratization in the Late Twentieth Century, Oklahoma: Oklahoma University Press
- Jowell,J and Oliver, D (2006), The Changing Constitution, Oxford University Press, New York
- Judge,D ( 1993), The Parliamentary State, Sage, London
- Lavel, M. and Shepsle K. (1996), Making and Braking Governments, Cambridge: Cambridge University Press
- Lijphart,A.(1968) Typologies of Democratic Systems, Comparative Political Studies, I.1p.p 3-44

- Lijphart, A. (1994), Демократијата во плуралните општества, (Скопје): Степ
- Lijphart, A. (2003), Modeli demokratije. Oblici i ucinak vlade u 36 zemalja, Beograd, Sluzbeni glasnik SCG
- Linder, W. (2001), Stabilizing and Reconsiling the Balkans, Baltimore: Conference organized by Swiss Foundation of World Affairs, John Hopkins University
- Linz, J. and Valenzuela A. (eds), (1994), The Failure of Presidential Democracy. Vol.1: Comparative Perspectives, Baltmor: John Hopkins University Press
- Locke, J. (1978), Dve rasprave o vladi, Beograd, NIP Mladost
- Lovo, F. (1999), Velike savremene demokratije, Sremski Karlovci, Novi Sad, Izdavacka knjizarnica Z. Stojanovica
- Norton, Ph (1993), Does Parliamnet Matter, Harvester and Wheatsheaf, New York, London
- Olson, D (1994), Democratic Legislative Institutions. A Comparative View, M.E. Sharp, Inc., New York
- Pactet, P. (1992), Institutions politiques et Droit constitutionnel, Paris, Millan, Barcelona, Bonn: Masson
- Pierre-Caps, S. (1998), Constitutional Images of the Nation State (The Transformation of the Nation State in Europe at Dawn of 21-st Century), Strazbourg: Council of Europe
- Reestman, J. H. (2006), Presidential Elements in Government: Introduction, Cambridge, Cambridge University Press
- Report of the International Commision on the Balkans, Unfinished Peace, Washington: Carnegie Endowment for International Peace
- Sartori, G. (1997), Comparative Constitutional Engineering, Macmillan Press LTD, London
- Schmitter, P ( 1979) Still the Century of Corporativism, v (Schmitter, P. in Lembruch G. ur.): Trends Towards Corporativist Intermediation, Sage, London
- Siljanovska-Davkova, G. (2004) The Third Wave and the Macedonian Democracy: Between Demos and Ethnos, in Macedonia on Globalization, ed. Nikolovska, N. Public Scholarly Publications, New York
- Siljanovska -Davkova, G. (2005), Organizational Structures and Internal Party Democracy in Macedonia, in Organizational Structures and Internal Party Democracy in South East Europe, (ed) G. Karasimeonov, Sofia: Gorex Press
- Siljanovska-Davkova, G. (2007), Globalization, Democracy and Constitutional Engineering as Mechanism for Resolving Ethnic Conflicts (Athens): The VII-th World Congress of Constitutional Law, IACL.
- Stepan, A. and Skach C. (1993), Constitutional Frameworks and Democratic Consolidation: Parliamentarism versus Presidentialism, World Politics, vol, 46, no. 1
- Шкарик, С. (2006), Уставно право, Скопје, Матица Македонска.
- Zajc, Drago. (2004) Razvoj parlamentarizma, Zalozba FDV vsoldevanju z Liberalno akademijo, Ljubljana