

THE REPUBLIC OF MACEDONIA, CONSOCIATIONAL
(CONSENSUAL) ENOUGH? –An evaluation of the Macedonian
political system through Lijphart's ten criteria for distinguishing
majoritarian from consensus model of democracy

ABSTRACT

The purpose of this paper is to show whether the Republic of Macedonia can be experienced as real consensual (consociational) democracy, if we consider Lijphart's ten criteria (established in 1999). The subject of the analysis will be the performance of the Macedonian political system from 1991 to 2001, when certain consociational practices were still nurtured through Macedonian political pragmatism, rather than through systematically guaranteed solutions, which became crystallized in the Macedonian political system and constitutional order in 2001 after the signing of the Ohrid Framework Agreement. This analysis will consider issues on the executive sharing of power in the grand coalition government, the executive-legislative balance of power, the multiparty system, proportional representation, interest groups, and the decentralized structure of government, bicameralism, constitutional rigidity, and judicial revisionism and Central Bank independence.

INTRODUCTION

Up until the late 1960s the “majoritarian winner-takes-all” Westminster-Model with a parliamentary character was seen in political science as the most highly-developed form of democracy;³ it was only when the consociational theory put forward by Lehmbruch⁴ and Lijphart,⁵ (which was developed independently but for the most part in parallel), with the development of a prototype consociational democracy,

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³ Bingham G. Jr. POWELL, *Contemporary Democracies: Participation, Stability, and Violence*, (Cambridge: Harvard University Press, 1982).

⁴ Lehmbruch has developed his theory in Gerhard LEHMBRUCH, *Proporzdemokratie: Politisches System und politische Kultur in der Schweiz und in Österreich*, (Tübingen, 1967), and also in Gerhard LEHMBRUCH, ‘Consociational Democracy in the International System’, *European Journal of Political Research* 3 (1975): 377-391.

⁵ Among the leading works in which Lijphart has developed its consensual theory are Arend LIJPHART, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*, (Berkeley/Los Angeles 1968); Arend LIJPHART, *Democracy in Plural Societies*, (New Haven/London, 1977) and Arend LIJPHART, *Democracies. Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, (New Haven/London, 1984).

that a theoretically convincing and empirically productive description of a multitude of smaller continental European countries arose.⁶

The further development of this theory carried out by Arend Lijphart (1999) through the comparison and systematic evaluation of two ideal types of democracy - majoritarian and consensus democracy - is still seen as one of the most innovative contributions in comparative political research,⁷ and according to Mainwaring constitutes the single most influential typology of modern democracies.⁸

Ideally, the two models of democracy are diametrically opposed primarily with regard to the central issue of the distribution of political power,⁹ whereby Lijphart (1999) draws a distinction between horizontal (executives-parties) and vertical power-sharing (federal-unitary) dimensions.

The consensus democracy aims to divide power, to create checks and balances against the majority in the legislative body and against the executive state authority.¹⁰

Furthermore, it aims to provide minorities with an opportunity to participate in politics, which leads to a restriction of the powers of the government and the parliamentary majority in each case. The prominent achievements of consensus democracy are seen in the attainment of political stability, its pronounced ability to integrate various societal groups and the consideration of minority interests in segmented and pluralistic societies.¹¹

Over the last forty years, Arend Lijphart has attempted in great depth, and at great length, to operationalise the original concept of "consociational democracy", and the further developed variant of "consensus democracy".¹² Lijphart describes "consociational democracy" or "power-sharing democracy" as a strong form of consensus democracy.¹³ Elsewhere, Lijphart points out that consensus democracy strives for power-sharing,¹⁴ while consociational democracy,

⁶ Manfred G. SCHMIDT, *Demokratietheorien*, 3rd Edition Opladen, (2000): 340.

⁷ See Adrian VATTER, 'Swiss Consensus Democracy in Transition. A Reanalysis of Lijphart's Concept of Democracy for Switzerland from 1997 to 2007', in *World Political Science Review*, vol. 4, no. 2. (2008):4.

⁸ Scott MAINWARING, 'Two Models of Democracy', *Journal of Democracy* 12 (3) (2001): 170-175.

⁹ In a majoritarian democracy - with a one-party cabinet, the dominance of the executive over the legislative, a plurality or majority electoral system, the unitary state structure, the unicameral system, a central bank that is dependent on the executive and a number of other elements - the concentration of power is the core principle. In contrast, consensus democracy emphasises the diffusion of power (power-sharing) through a multi-party government, balance of power between the executive and legislative, PR electoral system, a federal structure, bicameralism, an autonomous central bank and a number of other structural features. See Arend LIJPHART, *Patterns of Democracy. Government Forms and Performance in 36 Countries*, (New Haven/London, 1999).

¹⁰ SCHMIDT, *op. cit.*, p.340.

¹¹ See VATTER, *op. cit.*, p.4.

¹² Ibid.

¹³ See Arend LIJPHART, 'Democracies: Forms, performance and constitutional engineering', *European Journal of Political Research*, 25 (1994): 3.

¹⁴ Ibid., 41.

in contrast, requires it and prescribes that all important groups be taken into account.¹⁵ According to Vatter, it is clear that:

“consociational democracy” remains to be the core model, which can be defined using just four criteria, while consensus democracy is the broader variant of the new concept of democracy, needing a total of ten features to describe it. While the broadly supported multi-party government, cultural autonomy or federalism, the proportionality and the minority veto are the central defining criteria of his primary concept of democracy, the balance of power between the legislative and the executive, the bicameralism and the multiparty system, for instance, are additional features of consensus democracy.¹⁶

On the other hand, Sartori believes that the change of terminology is not quite principled, because in theoretical literature both terms are used as synonyms.¹⁷ Other authors, however, say that in recent papers Lijphart leaves the problem of divided societies and redefines the model in a way that he makes it apply to every society in which there are plural interests. According to the change he introduces the term “consensual democracy”.¹⁸

As for the Republic of Macedonia, and its political system, even before the change of the Constitution in 2001, it fostered certain elements of consociation more so through political pragmatism, rather than through systemically guaranteed and consistent solutions. For example, the existence of a broad coalition cabinet was an unwritten rule. All governments, regardless of the electoral system and the results of the voting, were coalition governments in terms of involvement of one of the Albanian parties in power (usually the one with the most support among the Albanian community). The principle of equitable representation was part of the government program, especially through measures of so-called positive discrimination (affirmative action). If we add the existence of local government, as a fundamental value of the constitutional order, it seems as though the only thing lacking was the veto for the communities. But through the solutions of the Framework Agreement, later incorporated in the constitutional amendments in November 2001, the political system of the Republic of Macedonia was redesigned towards a consociational democracy, with communities defined as groups emanating the formal political power.¹⁹

¹⁵ SCHMIDT, *op. cit.*, p.340.

¹⁶ VATTER, *op. cit.*, p.4-5.

¹⁷ See Đovani SARTORI, *Uporedni ustavni inženjering*, Beograd: Filip Višnjić, (2003): 93.

¹⁸ See Билјана ВАНКОВСКА, *Политички систем*, Скопје: Бомат (2007): 153.

¹⁹ See *Ibid.*, 225-226.

1. Analysis of the executive-party dimension in Lijphart's concept of consensual democracy in the Republic of Macedonia

1.1 *Executive power-sharing in broad coalition cabinets*

The broad coalition cabinet is one of the most important components of the consociational (consensual) model. The broad coalition cabinets, in which all relevant political subjects of each segment of society will be presented is an informal rule that was practiced in the Macedonian political scene after the introduction of the multiparty system, especially for the formation of post-election coalitions. The informal rule was that the party with the best "score" in the Albanian political campus was to be a part of the executive; thus, creating a political case which subsequently became mandatory for each composition of the new government.²⁰ It is not an accident that it has been said that, since the independence of the Republic of Macedonia, an informal grand coalition has been running the country. Albanian parties have always been represented in Parliament, and the most dominant Albanian party was usually part of the government from the very beginning of Macedonian independence, the only thing that varied was the number and attractiveness of ministerial departments that were received after the allocation of post-election "pie".

The participation of the Albanian parties in the cabinets can be connected with similar coalitions in Romania or Slovakia, where majority governments changed, and formed coalitions with the Hungarian minority. In these two cases, the coalition (although it is not required by the Constitution) appears to have a political consensus in the Republic of Macedonia, and is based on a "tradition" longer than in these two other countries, although they are members of the EU today.

Up until the signing of the Framework Agreement in respect of the broad coalition government the following trends could be noted:

- Albanians were regularly present in all governments since independence in 1991, and this practice was established before the introduction of certain consociational elements in the Framework Agreement;
- The Albanian coalition partner got less attractive ministerial positions compared to the ones that they may have been interested in, during that period.²¹

The impact of the Framework Agreement regarding the division of power is limited. The Ohrid Agreement did not envision the inclusion of the Albanian parties in government. At the same time, the way the state was changed after 2001, indicates that the Albanian community was elevated to the status that it become a kind of quasi-constituent. Some even described the Republic of Macedonia as a bi-national state, which does not foresee, but rather proposes to strengthen

²⁰ Of course the only exception were the governments of 1998 and 2006 when VMRO DPMNE decided not to include PDP or DUI (despite the best election result in the Albanian block), but that DPA should become a coalition partner of VMRO DPMNE, in that period, because they perceived DPA as their traditional Albanian partner;

²¹ See Christophe CHICLET et Bernard LORY (ed.), *La République de Macédoine*, Paris: L'Harmattan (1998):157-159.

the participation of Albanian parties in power. Unlike some other divided societies, where the division of power among the dominant communities is prescribed by the Constitution,²² the informal nature of the separation of powers allows greater flexibility as to the number of ministries and certain departments. Also, the informal nature of the Agreement entails not including the less numerous communities in government, who can only accidentally have chance to be involved in decision making. Double majority rule in Parliament refers to the practice of operations by which an effective government would have a majority in Parliament as well among the other members who are representatives of the minorities. This led to a series of misunderstandings between DUI and VMRO-DPMNE, during the attempt to form a government in 2006. DUI then, insisted that they have the right to join the government as the strongest Albanian party.²³

Regarding the stability of the coalition majorities, it can be concluded that they were generally stable. The vote of no confidence for the first so called „expert“ government is the only such case in the history of Macedonian parliamentarism. A vote of no confidence for a party coalition government is unknown to Macedonian parliamentary practice (excluding the government formed in 1998, which barely survived the vote of no confidence with one extra vote for). Horowitz²⁴ has criticized the logic of Lijphart that proportionality followed by post-election coalitions in executive power proved to be quite unstable in divided societies. Such remark does not apply to the Macedonian consociation, because the stability of the broad coalition cabinets in more than two decades of Macedonian pluralism is more than evident.

1.2 Executive-legislative balance of power

In the Republic of Macedonia, at first regard the Parliament, as the legislative power, is a politically powerful and independent institution that accounts to no one but itself. Notably, neither the government nor the President of the Republic shall have the right to dissolve the Parliament. On the other hand, Parliament can cast a vote of no confidence regarding the government, and thus dissolve it. Regarding the President, Parliament has the right to initiate proceedings on his accountability and terminate his mandate. On the normative level it seems that Parliament dominates over the executive, which in turn has

²² Like the case of Belgium, where (art. 99) of the Constitution clearly stipulates that the government consists of no more than 15 ministers, with the exception of the Prime Minister, Cabinet contains an equal number of members who speak French, as well as members who speak Dutch.

²³ The winning party in the Albanian block (DUI) considered it as violation of the Framework Agreement and the rule established by the international community. It showed that there are deep disagreements between political parties, and that the system is vulnerable to destabilization due to different interpretation of parliamentary and consociation elements. For more see BAHKOBCKA, *op. cit.*, p.228.

²⁴ He criticized Lijphart in Donald L.HOROWITZ, *Ethnic Groups in Conflict*, (Berkeley: University of California Press, 1985), and also Donald L.HOROWITZ, *A Democratic South Africa? Constitutional Engineering in a Divided Society*, (Berkeley: University of California Press, 1991).

the power to affect its mandate. According to analysts, this undermines the fundamental principle of separation and balance of powers.²⁵

If we make a comparison with other established consensual democracy we will note that formal legislature has a strong independent position in those cases in relation to other structures of political power, but *de facto* it is not quite so.

For example, in Switzerland, it is apparent that in constitutional law establishes the Swiss Federal Assembly to have a very powerful and independent position vis-à-vis the government in international comparison; however the real impact of Parliament on the overall political process in the country is crucial, but still selective.²⁶

Belgium also has a parliamentary form of government, with cabinet dependent on the will of the legislature, as in the pure Westminster model. Due to the fact that Belgian governments are too often oversized for Lijphart's refined consociational (consensus) taste, often times there is a creation of very un-cohesive coalitions, because they are not so dominant in the political process, as in the pure Westminster model.²⁷

As for the Republic of Macedonia, there are several mechanisms within the division of power, which at least to some extent provide mutual influence or check and balance with executive power.

- In terms of *normative function* Parliament does not have absolute authority when it comes to legislative initiative;
- Regarding the *elective function* Parliament is not completely sovereign in its decision making, particularly in the selection of judges of the Constitutional Court, the Governor of the Central Bank, etc.²⁸

Despite these mechanisms, however, Parliament in the past two decades, and even more, instead of becoming a body that controls, has become a highly controlled body (by the "super" powerful Government). This is partly due to the legislative initiative, where approximately 90% of legislative proposals came from the Government, data that is partly due to the weak position of the working bodies (commissions) of Parliament. As for its relations with the second holder of executive power – the President, they are overwhelmingly in favor of Parliament, because the President does not have mechanisms to influence over the general policy defined therein, and his veto right can easily be overruled by Parliament.²⁹

In Lijphart's analysis the relationship between the legislative and executive is indexed with values on a scale of 1 (to indicate balanced executive - legislative relations) to values around 5-6 for political systems dominated by the executive.³⁰ We can conclude that the Republic of Macedonia inclines more towards the values which concern a dominant executive position over the legislation because of:

²⁵ See BAHKOBCKA, *op. cit.*, p.243-244.

²⁶ VATTER, *op.cit.*, p.10.

²⁷ See LIJPHART, *Patterns...*, p.35-36.

²⁸ See BAHKOBCKA, *op. cit.*, p.244-245.

²⁹ See *Ibid.*, 246.

³⁰ See Arend LIJPHART, *Patterns...*, p.138.

- The stability of the cabinets, which is more than evident for the Macedonian consociation, according to Lijphart implies that the executive is dominant over the legislative;³¹
- The equation of cabinet stability can imply regime stability, but according Mattei Dogan, cabinet stability is not a valid indicator of the health and viability of the democratic system;³²
- The claims that the short life of the cabinets and the non-dominate position of government over the legislative process, which are inherent for the consociational democracies are not valid for The Republic of Macedonia, because the performance of Macedonian consociation are a complete opposite of these claims;
- After 2008,³³ Dodd's claims that cabinets that win in several successive elections are less and less likely to meet serious challenges from their parliament are completely applicable for the Republic of Macedonia.³⁴

1.3 Multiparty system

One of the features used to distinguish between majoritarian and consensus democracies is the degree of fragmentation in the party system, whereby it is underlined that the fragmentation of parties is typical for a consensus democracy. If the effective number of parties is between 5 and 6, according to the Laakso-Taagepera index,³⁵ then the party system can be considered as highly fragmented.³⁶

The Republic of Macedonia noted such high values for the number of elective and parliamentary parties, at the beginning of 1990s, as the number of parties that presented a particular electoral power was 6 (N = 6,196) in 1990 or 7 (N = 7, 65) in 1994, and the number of effective parties was 5 (N_p = 4.95) in 1990, which was particularly high after the first multiparty elections were held.³⁷ These indices were surprising, if

³¹ See Ibid., 129.

³² Mattei DOGAN, 'Irremovable Leaders and Ministerial Instability in European Democracies', In Mattei Dogan, (ed.), *Pathways to Power: Selecting Rulers in Pluralist Democracies*, Calo: Westview, (1989): 239-275.

³³ Both pivotal parties in the cabinet, VMRO-DPMNE and DUI consequently won the next few election cycles (2008 early parliamentary election, local and presidential election in 2009, 2011 early parliamentary election, 2013 local election).

³⁴ See Lawrence C. DODD, *Coalitions in Parliamentary Government*, (Princeton: Princeton University Press, 1976).

³⁵ The effective number of parties is a concept which provides for an adjusted number of political parties in a country's party system. The idea behind this measure is to count parties and, at the same time, to weight the count by their relative strength. This measure is especially useful when comparing electoral systems across countries, as is done in the field of political science. For more see Marrku LAAKSO and Rein TAAGEPERA 'Effective Number of Parties: A Measure with Application to West Europe', *Comparative Political Studies* (1979) 12:3-27.

³⁶ VATTER, *op.cit.*, p.6.

³⁷ See Анета ЈОБЕВСКА, *Изборните концепти во теориите на демократијата*, Скопје: Институт за социолошки и политичко- правни истражувања, (1999) : 240.

we take into account the application of the majority plural vote, which according to his chief protégé, Morris Duverger, upon its use allows for a moderate multiparty system,³⁸ but what the Republic of Macedonia has had in the early years of its independence was an extreme, and an even atomized party system.

Compared to other established consensual democracies, primarily the Netherlands, Belgium and Switzerland, it can be pointed out that in these countries, in various elections, the fragmentation of their party systems was significant.

In Switzerland, the effective number of parties pursuant to the Laakso-Taagepera index, based on the proportion of seats in Parliament, has sunk from 5.57 (1971-1996) to 5.17 (1997-2007), and as noted Vatter, and only Belgium in the 1970s and 1980s shows a greater degree of fragmentation than Switzerland.³⁹ According to De Winter, this is partly due to the growing fragmentation and the emergence of regional affiliated parties, so if the effective number of parties in the 50's was 2.6, then in the 90's the value has risen to an extreme - 9.1.⁴⁰

Andeweg notes that the Netherlands, upon the introduction of a proportional system in 1917, when practically the so-called period of six decades Dutch consociation had started, the average number of parties in Parliament was 10.7, and the actual number of parties is between 3 and 6, or 4.7 average, measured by the Laakso-Taagepera index.⁴¹

The high fragmentation of the party system in these countries is partly due to the application of the proportional model, which by definition can encourage a multiparty system. However, on the other hand, the proportional system, unlike comparative experience with its use in other consociational democracies (Belgium, Netherlands, Switzerland) fulfilled the function of concentration in the Macedonian representative body well, after the amendments to the Electoral Law in 2002, and particularly after the election cycles in 2008 and 2011 when the two blocks of the Macedonian coalition parties and the two Albanian political formations dominated the Parliament. Thus, the fear of any sort of *tendance multiplicatrice*,⁴² in the Macedonian party system, if the proportional model is applied, proved to be unfounded.

³⁸ Maurice DUVERGER, 'Duverger's Law: Forty Years Later', in Bernard Grofman and Arend Lijphart (ed.), *Electoral Laws and Their Political Consequences*, New York: Agathon Press, (1986): 69–84.

³⁹ VATTER, *op.cit.*, p.6.

⁴⁰ See Ливен ДЕ ВИНТЕР, 'Белгија: Давање право на гласачите или на партиските елити', во М. Галагер и П. Мичел (ед.), *Политика на изборните системи*, Скопје: Академски печат, (2009):441-458.

⁴¹ See Руди Б. АНДЕБЕГ, 'Холандија: Важноста на пропорционалноста', во М. Галагер и П. Мичел (ед.), *Политика на изборните системи*, Скопје: Академски печат, (2009):518-538.

⁴² Term innovated by Maurice DUVERGER, *Die politischen parteie*, (Tübingen, 1959).

1.4 Electoral system

The Proportional system is the main criterion on which the distinction between the Westminster and the consensual model of democracy is made.

The proportional model in the Republic of Macedonia, was applied after the electoral reform in 2002 (regardless of the fact that there was no explicit mention of it in the Framework Agreement, but it was assumed that its application will create prerequisites for a successful consociation in the country),⁴³ and in terms of its application we can observe the following trends that have since squeezed through in each subsequent election cycle:

- Regardless of the fact that the proportional representation of the citizens is the strongest argument in favor of the proportional model, still after each election cycle, approximately 100.000 votes remain unrepresented in Macedonian Parliament;
- Since its first application in 2002, this electoral system has not produced a realistic proportionality of all parties that have won a certain number of votes;
- The size of electoral units and the division of the country into six electoral regions have created an even bigger disproportionality between the number of votes won and seats gained in Parliament, regardless of the application of the D'Hondt's method.⁴³

Other authors are of opinion that, the disproportional effect of Macedonian proportional electoral system would be lower if the state would be one constituency. In part they called upon the period 1998-2002 when Macedonia applied the parallel electoral system, according to which 85 seats were allocated in 85 single-member electoral units, while 35 seats are awarded according to the proportion of the state as one constituency with a prohibitive clause of 5%. The mandates then assigned by D'Hondt, buffered the disproportional effect produced by the mandates awarded by majority plural vote. The Index D1 = 6.15 showed the lowest disturbance of the proportion of votes-term.⁴⁴

The Swiss example is a testimonial that shows that the disproportional effect can be inhibited by the size of the constituency, where the idea of proportional representation cannot be fully realized in Switzerland because of the population size of the cantons, and thus the number of mandates of one canton varies greatly. This penalizes the small parties, and the electoral system is coming closer to that of majority voting.⁴⁵

However, the disruption of proportionality in favor of larger parties is limited in the Dutch electoral system, according Andeweg,⁴⁶ and according to Lijphart, it is the result of the fact that the country is

⁴³ See Саво КЛИМОВСКИ и Тања КАРАКАМИШЕВА, *Политички партии и интересни групи*, Штип: 2-ри Август, (2006): 128-131.

⁴⁴ See JOBЕВСКА, *op.cit.*, p.256.

⁴⁵ See Wolf LINDER, *Schweizerische Demokratie. Institutionen, Prozesse und Perspektiven*, 2nd Edition, Bern/Stuttgart, Haupt, (2005): 96.

⁴⁶ See АНДЕВЕГ, *op.cit.*, p.518-538.

one constituency, which makes the imbalances in the Dutch electoral system less than almost any other place at world.⁴⁷

1.5 Interest group corporatism

The fifth difference between majoritarian and consensus democracy-and the last of the five that together constitute the executive parties dimension concerns the interest group system. In this context Lijphart distinguished a competitive and an uncoordinated, so called *pluralistic model*, immanent for the majoritarian democracy, and as for the consociational democracy he outlines the corporative model, which he divided in three sub-divisions: „democratic“, „societal“, „neocorporative“.⁴⁸

If we consider the Republic of Macedonia, in the context of this criterion, we can outline the following tendencies:

- The Fragmentation in the social space, coincides not only with the division in the political space, but the occurrence of the interest group, since they too have been structured in the country along the lines of the linguistic, religious, and ethnic cleavage⁴⁹;
- There are insufficient 'umbrella' organizations that bridge the lines of division, whose model interest groups use to structure themselves;
- The high economic growth, low unemployment, and low inflation rate, according Pekkarinen, Pohjala, Rowthorn, imply that countries with such macroeconomic performance have prevalence of the corporate model,⁵⁰ however, since the economic growth in the Republic of Macedonia is relatively low, and unemployment high, this once again reconfirms the thesis that the Macedonian interest group system inclines towards more pluralistic rather than corporative model;
- In the Republic of Macedonia, there are elements of the instrumentalization of interest groups, from the executive power, but also by the political parties which implies certain elements of the so-called authoritarian corporatism. Divisions of eligible and ineligible, attempts to cause internal splits in interest groups, fabrication of interest groups that have worked for a certain political agenda are more a rule than an exception in the country. Therefore, the Republic of Macedonia fits the so-called concept of eroded interest-group pluralism (corporatism) of Armingeon,⁵¹ because the level of integration of individuals with interest organizations and political parties;

⁴⁷ Arend LIJPHART, *Electoral Systems and Party systems*, Oxford: Oxford University Press, (1994): 162.

⁴⁸ LIJPHART, *Patterns ...*, p. 171.

⁴⁹ For example the Albanian Economic Chamber of Northern Macedonia, on one side, and Economic Chamber of Macedonia, on the other site.

⁵⁰ See Jukka PEKKARINEN, Matti POHJOLA, and Bob ROWTHORN, (ed.), *Social Corporatism: A Superior Economic System?* (Oxford: Clarendon, 1992).

⁵¹ See Klaus ARMINGEON, 'Swiss Corporatism in Comparative Perspective', *West European Politics* 20, no. 4 October, (1997):164-79.

- On the one hand the Republic of Macedonia, is close to pluralist interest-group model, which according to Haggard and Kaufman is typical for the developing countries,⁵² but on the other hand, Republic of Macedonia notes leaving the so-called 'classical corporatism'⁵³ from the industrial phase (characterized by dualism between trade unions and the organizations of employers), to the new post-industrial model (characterized by a flood of educational, health, social, environmental interest-group organizations);
- The Macedonian interest-group model is pluralistic, if it is considered in the context of Government, because according to Lijphart, the countries with a greater multiparty cabinet tend to be less pluralistic.⁵⁴ Macedonian governments, since its independence, has always been coalitional, mainly composed of two dominant coalition partners, one from each segment, Macedonian and Albanian, but were never set too wide.

2. Analysis of the federal-unitary dimension of Lijphart's concept of consensual democracy in Macedonia

2.1 Federal and decentralized structure

The autonomy of the segments is one of the key components of Lijphart's model of consensual democracy. It can be accomplished in three forms:

- *Administrative* - with decentralization (through local government);
- *Political-territorial* - the exercise of the legislative function on certain issues (in the territory of one segment);
- *Cultural* - limited to issues related to education, culture, use of language, religion (refer to cultural, ethnic, religious but non-territorial defined group).⁵⁵

The Decisions of the Framework Agreement of 2001, did not grant a political and territorial autonomy for Albanians (like federalization, cantonization or forming an entity in the country) but preferred the model of balance and functional combining of the elements of administrative autonomy, that the country had to ensure due to the process of decentralization, and the right to cultural autonomy, primarily in the area of language use. That absence of other types of autonomy, which was the reason for the reform of competences of the municipalities in the country with the process of decentralization, was seen by many Albanians as a key means of providing autonomy for the Albanian community.

Such segmental autonomy achieved in the Republic of Macedonia by the changes of the Local Self-Government Act of 2004, is of the devolution type, upon the principle of subsidiarity.⁵⁶

⁵²See Stephan HAGGARD and Robert R. KAUFMAN, *the Political Economy of Democratic Transitions*, Princeton: Princeton University Press, (1995):341.

⁵³Described in Howard J. WIARDA, *Corporatism and Comparative Politics: The Other Great "Ism."* Armonk, N.Y.: M. E. Sharpe, (1997): 175.

⁵⁴LIJPHART, *Patterns...*, p. 181.

⁵⁵BAHKOBCKA, *op. cit.*, 157.

Decentralization was stated in section 1.5 of the "Basic Principles" of the Framework Agreement, where it was said that the development of local self-government is essential to encourage the participation of citizens in democratic life and to promote and respect the identity of communities.⁵⁷

Practicing democracy in this manner at the local level was to achieve two goals:

- greater participation of citizens in democratic life (more associated with representation rather than autonomy in decision making);
- promoting and respecting the identity of communities (experienced more as a fundamental value and principle, rather than the form of the segmental decision).

The agreement is actually an opportunity for municipal decentralization that would give more autonomy to communities with predominantly Albanian population, but also to ensure greater involvement of non-dominant groups at the local level.

In an empathic way, the Ohrid Agreement stated that there are no territorial solutions to ethnic issues.⁵⁸

2.2 Bicameralism

This is one of the most serious shortcomings of the Macedonian consociational model, because the absence of bicameralism, according to Lijphart, indicates a pure majoritarian model.⁵⁹ However, some ideas that would lead in this direction, had already existed, and were especially intensified after the signing of the Ohrid Framework Agreement. The idea of bicameralism was presented in more initiatives which were viewed in the direction of strengthening the existing consociational arrangement that was incorporated in the Macedonian constitutional order after 2001. The idea of bicameralism was evaluated in following way:

- Since the time of the debate regarding the Constitution from 1991, there were some proposals for establishing a bicameral Parliament which would ensure representation of the interests of local communities (municipalities) and which would represented other interests (ethnic), that classical political representation cannot appropriate;⁶⁰
- In 2006 some opposition parties (VMRO-NP along with the Democratic Party of Albanians), advocated the establishment of an Assembly and a Senate, but for all remaining parliamentary parties, which were part of the Parliament at that time, this idea was experienced as forced and unacceptable because it was recognized as a risk of federalization, regardless of the argumentation that the bicameral structure of the Parliament will

⁵⁶See РИЗВАН СУЛЕЈМАНИ, *Јавноста во Република Македонија и односот со Европска Унија и НАТО - со посебен осврт на процес на децентрализација*, (Докторска дисертација, 2007).

⁵⁷ Ohrid Framework Agreement, 13.8.2001, p.1.

⁵⁸ Ibid.

⁵⁹ LIJPHART, *Patterns ...*, p.200.

⁶⁰ See ВАХКОВСКА, *op.cit.*, p. 219-220..

introduce more wisdom in the decisions making process in Parliament;

- During the boycott of Parliament in 2010 by the Democratic Party of Albanians the idea of bicameralism was again re-actualized, and was set as a kind of ultimatum for the party to rejoin Parliament. However, the other Albanian party, in that period also a ruling party, DUI, was of the opinion that Macedonia does not need a bicameral parliament because the Badinter principle⁶¹ is the strongest mechanism for Albanians to be equal in the country.

Due of this shortcoming, the Republic of Macedonia can be classified in the group of countries that have an un-cameral structure of their parliaments, a group of countries that Lijphart in his analysis marked with an index of 1. In this group, Lijphart classified Israel, which marked the extreme example of consensual-Unitarian regime, which is very similar to the Republic of Macedonia, regardless of the fact that the definition of the Macedonian political system, according Vankovska, still remains ambiguous, but certain hybridity of elements of parliamentary democracy and consensual, still exist, without its elements being crystallized and balanced.⁶²

2.3. Constitutional rigidity

Lijphart distinguishes four types for constitutional amendment:

- Index 1.0 for a model of a so-called flexible constitutional change that requires ordinary majorities;
- Index 2.0 for a model of constitutional change that requires more than ordinary majority, but less than two-thirds;
- Index 3.0 for a model of constitutional change that requires two-thirds majority or equivalent;
- Index 4.0 for a model of constitutional change that requires super-majority greater than two-thirds.⁶³

In the Republic of Macedonia, the procedure for adoption and amendment (constitutional revision) goes through six stages: 1) giving a proposal for an amendment of the Constitution; 2) making a decision upon the proposal to amend the Constitution; 3) preparation and adoption of a draft law to amend the Constitution; 4) public discussion (debate) on the draft proposal; 5) determining the proposed act to amend the Constitution; 6) adoption and proclamation of the Constitution of the Republic of Macedonia. The decision for amending the Constitution, and the decision for proclaiming the amendments to the Constitution can be adopted by a 2/3 majority of the total number of MPs.⁶⁴

Hence, Macedonia can be classified in the group of countries that Lijphart's indexed with a value of 3.0, which contains some other established consensual democracies such as Belgium and the

⁶¹ Also noted as double majority rule.

⁶² Ibid., 231.

⁶³ LIJPHART, *Patterns*..., p.219.

⁶⁴ See Саво КЛИМОВСКИ, Рената ДЕСКОСКА, Тања КАРАКАМИШЕВА, *Уставно право и Политички систем*, Скопје: Просветно дело, (2012):104-106.

Netherlands. Only the Swiss consensual model grants a maximum index of 4.0 because ever since 1874 the Swiss Constitution can be changed only by a majority of both voters in a referendum and the cantonal majority.⁶⁵ Therefore, the Republic of Macedonia in terms of the manner in which a Constitutional amendment can be initiated and implemented it is much closer to consensual than to the Westminster model.

2.4 Judicial review

Lijphart distinguishes two types of judicial review:

- an independent body that decides whether laws are in conformity with the constitution or not;
- when parliament itself is the judge of the constitutionality of the laws it passes.⁶⁶

In Republic of Macedonia there are elements of combining these two dimensions, because on one hand Parliament is the only body that has the authority to give an authentic interpretation of laws,⁶⁷ but on the other hand there is a Constitutional Court, whose first and most important responsibility is normative control. Such control of constitutionality and legality is abstract and repressive, especially when deciding on the conformity of laws with the Constitution and collective agreements and other regulations with the Constitution.⁶⁸

The existence of judicial review, conducted by an independent Constitutional Court, is indicative of the consensus model of democracy, while the lack of a non-parliamentary institution of this kind is seen as characteristic of the majoritarian model of democracy. The minimum value of 1.0, Lijphart awarded to countries that do not have a constitutional court, while states with an active constitutional court system, with its far-reaching power, were marked with a maximum value of 4.0. The Republic of Macedonia is close to the consensus model, where constitutional courts have a long tradition (since 1963) and whose position strengthened after 1991, which is particularly important if we compare it with other consensual democracies, such as The Netherlands where the constitutionality of acts of Parliament and treaties cannot be subjected to review by the courts,⁶⁹ as well as in Switzerland, where the Supreme Court does not have the right of judicial review,⁷⁰ and also Belgium, where the Court of Arbitration, which was established in 1984, has some authority, but they do not use it as a true constitutional court.⁷¹

⁶⁵ VATTER, *op.cit.*, p.16.

⁶⁶ LIJPHART, *Patterns...*, p.223.

⁶⁷ Especially in the case of ambiguity in its application, and when applicants can be MPs, the Government, the Attorney General, the Ombudsman, mayors, municipal councils and the Constitutional Court. After requests for authentic interpretation of laws, Parliament shall indicate the actual intent and spirit of the law, upon which the authorities shall be given guidance for its full implementation. For more see ВАХКОВСКА, *op.cit.*, p.238.

⁶⁸ КЛИМОВСКИ, ДЕСКОСКА, КАРАКАМИШЕВА, *op.cit.*, (2012):511.

⁶⁹ See Arend LIJPHART, *Patterns ...*, p.224.

⁷⁰ See George Arthur, Jr. CODDING, *The Federal Government of Switzerland*, Boston: Houghton Mifflin, (1961):112.

⁷¹ See Andre ALEN and Rusen ERGEC, *Federal Belgium After the Fourth State Reform of 1993*, Brussels: Ministry of Foreign Affairs, (1994):20-22, or Ivan

2.5 Central bank independence

Lijphart, examines the role of the central bank vis-à-vis other players in the political system, primarily due to analyzing the degree of its independence against the government and parliament.

In the Republic of Macedonia, after its independence in 1991, during which there was also a proclamation of monetary independence, the National Bank has been ever since a constitutional category defined in Article 60 of the Constitution.⁷² In 1992 a special law on the Central Bank was passed, which was modified a decade later, in a way that it clarifies its position, responsibilities and function.⁷³

The independence of the National Bank, in the Macedonian political system is seen primarily in the manner of election of the Governor of NBRM, who is nominated by the President of the Republic and it then elected by the members of Parliament for a term of seven years with the right to one re-election. The National Bank of Macedonia has three Vice Governors, who are appointed in the same procedure as the Governor. The Governor authorizes one of the Vice Governors as his replacement in event of absence or inability to perform his duty. The relatively long term of the Governor and the Vice-Governor is intended to increase the independence of the National Bank, in relation to the Government and Parliament, whose term lasts four years.⁷⁴

The independence of the Central Bank, as opposed to the Government and Parliament, is reflected in the following solutions:

- According to the Law on NBRM of 1992, the objectives of monetary policy were determined by the Assembly, while the law of 2002 clearly specifies that the Bank independently determines the goals and objectives of monetary policy;
- The Members of the Central Bank may be changed before their mandate is over, only in exceptional cases strictly defined in the Law on NBRM;
- The independence of the Central Bank is in contrast to the annual reports to Parliament, who are not adopted or approved, but are only subject to consideration;
- The independence of the Central Bank, from any party influence, is guaranteed by the inability of members of the Bank Council, to be party members.⁷⁵

However, it should be noted that there is no such thing as a fully independent central bank, as opposed to the executive and legislative, but the things to consider is the level of greater or lesser independence from the government or parliament.

VEROUGSTRAETE, 'Judicial Politics in Belgium', *West European Politics* 15, no. 3 (July), (1992): 93-108.

⁷² See „Official Gazette of the Republic of Macedonia“ no. 91/01.

⁷³ See „Official Gazette of the Republic of Macedonia“ no. 3/2002, 51/2003, 85/2003, 40/2004, 61/2005, 67/2006 (11.12.2006).

⁷⁴ See КЛИМОВСКИ, ДЕСКОСКА, КАРАКАМИШЕВА, *op.cit.*, (2012): 551-552.

⁷⁵ See Ibid, p. 553-554.

CONCLUSION

From the analysis of the performance of the Macedonian political system, it can be concluded that the Republic of Macedonia, is close to Arend Lijphart's consensus model of democracy, in relation to the following criteria:

- The Executive power in Macedonia is shared in *the broad coalition cabinets*, which include political representatives of the two largest segments in the country, the Macedonian and the Albanian, and it shows a high degree of stability;
- The country has a *multiparty system*, in which social division coincides with political division, and consequently with party division;
- Since 2002, a *proportional electoral system* is applied for the election of members of the Macedonian Parliament, which remains more immanent for the consensual than the Westminster model. [The](#) Macedonian proportional system produces certain disproportion, due to the size of the constituencies that play the role of an effective electoral threshold and due to the use of the D'Hondt method, which favors the larger parties and coalitions, which is the reason for the solid concentration of the parties in Parliament;
- *The decentralized structure* of the country was strengthened by the adoption of the Law on Local Self-Government and the way in the audit of municipal boundaries which carried out in 2004;
- *The Constitutional rigidity* in Macedonia is close to the consensus model, due to the fact that a 2/3 majority is needed in Parliament to change the Constitution;
- The existence of a Constitutional Court of the Republic of Macedonia, whose control over the constitution and laws can be abstract and repressive, implies that there are strong elements of *judicial review* in the country;
- *The National Bank of the Republic of Macedonia is relatively independent*, as opposed to the Government and Parliament, especially after the newly adopted law on NBRM in 2002.

The Republic of Macedonia deviates from the Arend Lijphart's consensus model of democracy, in relation to the following criteria:

- There is no *executive-legislative balance* of power, because the government dominates over the parliament in the political process;
- the *interest group dimension* in the country is closer to the interest group pluralism model, which is more immanent for the majoritarian model of democracies, rather than the corporative model, which is characteristic for the consensual model of democracy;
- There is no *bicameralism* in the country, thus the un-cameral structure of Parliament is closer to the majoritarian rather than consensus model of democracy.

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