

Election Report and Political Analyzes of the 5 June 2011 Early Parliamentary Elections in the Republic of Macedonia

Jeton Shasivari, PhD¹

Abstract—the paper examines the seventh parliamentary elections in the Republic of Macedonia held on 5 June 2011 as a result of the pressure from the opposition led by the SDSM. These elections were won by the VMRO-DPMNE, by winning the elections for the third time since 2006, but with a lower difference compared to the previous early elections in 2008, and which made a coalition with the winner of the Albanian political camp DUI, winning the elections for the fourth time since 2002 in this political camp, but with a lower difference compared to the previous early elections in 2008. These elections had a special political weight for the country's Euro-Atlantic integration process considering the fact that with no progress in EU and NATO integrations, inter-ethnic relations will remain fragile because Euro-Atlantic integrations are the only issue on which there is complete inter-ethnic consensus between the different ethnic communities in the country. Also, these elections were an examination for the democratic maturity of the country and they were performed under strong observation of the international community as a result of serious irregularities of previous elections in 2006 and 2008. The importance of those elections consists in the fact that they brought a more balanced Parliament, with a more powerful opposition, but no changes in government and in the state rigid policy positions over the name dispute with Greece.

Index Terms—electoral process, electoral model, ethnic polarization, parliamentary boycott, separation between the ruling party and the state, voting abroad, transparency.

1 INTRODUCTION

The seventh parliamentary elections in Republic of Macedonia were held on 5 June 2011 as a result of the pressure from the opposition led by the SDSM (Socijal Demokratski Sojuz na Makedonija-Social Democratic Union of Macedonia). These elections were won by the VMRO-DPMNE (Vnatresna Makedonska Revolucionerna Organizacija-Demokratska Partija za Makedonsko Nacionalno Edinstvo-Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity) which received 38.98% of votes, by winning the elections for the third time since 2006, but with a lower difference compared to the previous early elections in 2008, and which made a coalition with the winner of the Albanian political camp DUI (Baskimi Demokratik per Integrim-Democratic Union for Integration) which received 10.24% of votes, winning the elections for the fourth time since 2002 in the Albanian political camp, but with a lower difference compared to the previous early elections in 2008. Since the election victory in 2006, VMRO-DPMNE has continued to rule the country after two election cycles of 2008 and 2011. This political party won the elections in 2006 with 304,572 votes (32.50 per cent of the total votes), gaining 45 parliamentary seats. In 2008 early parliamentary elections it achieved the next victory with 481,501 votes (48.78 per cent of the total votes) and 63 seats. Then, on 5 June 2011, VMRO-DPMNE obtained 438,138 votes (38.98 per cent of the total votes) and 56 parliamentary seats. It is important to note that this political party in the elections of 2006 and 2008 increased the number of votes and seats, but, in the last elections in 2011 for the first time marked a decline for 9.80 per cent of votes and 7 fewer parliamentary seats.

On the other hand, the largest opposition party SDSM in 2006 elections had 218,463 votes (23.31 per cent of the total votes) and 32

parliamentary seats. In 2008 early elections this party attained 233,284 votes (23.64 per cent of the total votes) and 27 seats, and in the last elections in 2011 this party obtained 368,496 votes (32.78 per cent of the total votes) and 42 parliamentary seats. Regarding this political party, it should be noted that in all three election cycles, it continuously increases the number of votes, however, with the fluctuation in the number of parliamentary seats, whereby in the last elections in 2011 it marks an increase of 9.14 per cent of the votes and 15 more parliamentary seats.

The situation in the Albanian political camp in the three recent election cycles shows that DUI has been continuously winning; respectively in 2006 elections they got 113,522 votes (12.12 per cent of the total votes) and 17 parliamentary seats. In 2008 early elections this party attained 126,522 votes (12.82 per cent of the total votes) and 18 seats, and in the last elections in 2011 this party obtained 115,092 votes (10.24 per cent of the total votes) and 15 parliamentary seats, whereby it should be noted that in the last elections in 2011 for the first time, there was a decrease in the number of votes for this political party which resulted in reducing of the number of parliamentary seats from 18 to 15. On the other hand, the other Albanian party, DPA, is constantly a second party within the Albanian political camp, namely in 2006 elections they won 70,261 votes (7.50 per cent of the total votes) and 11 parliamentary seats. In 2008 early elections this party attained 81,557 votes (8.26 per cent of the total votes) and 11 seats, and in the last elections in 2011 this party obtained 66,315 votes (5.90 per cent of the total votes) and 8 parliamentary seats. On 5 June 2011 early elections, a newly formed Albanian party, the National Democratic Revival, took part in elections for the first time and got 29,996 votes (2.67 per cent of the total votes) and 2 parliamentary seats. It should be noted that the availa-

• The author is Assistant Professor of Constitutional and Administrative Law.
Law Faculty-SEE University, Tetova, R. of Macedonia. E-mail: j.shasivari@seeu.edu.mk.

bility and the will of the overall Albanian electorate in the 2011 elections was in favor of the opposition, since all Albanian opposition parties that participated in 2011 early elections won together 6,441 votes more than the DUI.

2 The Electoral System and its legal and political effects

Regarding the legal analysis of the electoral system of the country, it is important to note the following legal regulations. According to the Electoral Code (Article 4) which was amended without opposition two months before the 5 June 2011 early parliamentary elections, the Parliament would consist of 123 members, of which 120 would be elected according to the proportional model, whereby the territory shall be divided into six electoral districts determined in this Code and for each district 20 Members of Parliament shall be elected, 3 Members of Parliament shall be elected according to the majority model in one round of elections of which 1 Member of Parliament from each of the three electoral districts in Europe and Africa, in Northern and Southern America, and in Australia and Asia. The same Code (Article 6) provides that the citizens who are temporary employed or residing abroad and are registered in the voter's list based on the records of the competent organ and the application for voting, shall vote for the election of the President and for the election of Members of Parliament in the Diplomatic-Consular Offices abroad i.e. consular offices, in accordance with this Code on the election day. Another important issue is the that of the allocation of parliamentary seats, whereby the electoral code (Article 127) stipulates that the State Election Commission shall determine the total results of the voting in the electoral districts and shall determine the results for each individual electoral district according to the number of the total votes that individual lists of candidates have won based on the tabulated results. Having determined the total number of votes cast for that number of candidates in the electoral district, each list is divided by the sequence of quotients 1, 2, 3, 4, etc. until all seats in the electoral district are allocated according to the determined principle and the quotients of the division are classified by size, whereby relevant are as many of the largest quotients as there are Members of Parliament elected in the electoral district and a list of candidates shall obtain as many seats as there are largest quotients. Candidates are elected from the list of candidates according to the established sequence. In this regard, on the percentage barrier it should be noted that its provided only for three electoral districts in Europe and Africa, North and South America and Australia and Asia, whereby Article 127 provides that the elected member of the Parliament shall be the candidate who received greater number of votes from the voters who cast their votes but no less than 2 per cent of the total number of registered voters in electoral district².

As can be seen, the country's electoral system is based on closed candidate lists, applying D'Hondt's method in allocating the parliamentary seats and with out-of-country voting opportunities which for the first time took place in these elections.

Regarding the closed candidate list, it should be noted that the past experiences from the parliamentary elections in the Republic of

Macedonia where all models have been tried, i.e. the majority model in the first pluralist elections in 1990 and 1994, the combined election model in 1998, as well as the proportional model in 2002, 2006, and during the early elections in 2008 and 2011, point out the fact that the country needs continuous public debates concerning the issue of the most advantageous election model. In the Republic of Macedonia, a debate and campaign about the incorporation of open candidate lists is being developed, which in the region are currently being implemented in Greece, Bosnia and Herzegovina, Kosovo, Cyprus and Slovenia, because through them, the voters will have the possibility to elect their own candidate, regardless of the order of the candidates determined by the party leaders, believing that this voting method will, on one hand, increase the elected candidate's responsibility towards the electoral body, and thus, the candidates will rely more upon the voters' support, rather than their party leaders, and on the other hand, the political parties themselves will nominate already proven candidates of great authority, which will contribute to the increased level of professionalism and responsibility of the future members of the Parliament, and, in this regard, there is one very important factor which, in my opinion³, goes to the advantage of the open candidate lists, respectively the expression of voters' will in the previous local and presidential elections in 2009, where the voters manifested the so-called "cross-voting", i.e. voting according to their preferences. This means that the political awareness of the electorate is mature for open candidate lists, because they voted in accordance with their preferences on three, or four ballots in the City of Skopje, where they cross-voted for the President of the state, Mayor of the City of Skopje, City and municipal counselors.

On the other hand, another important issue is that of out-of-country voting opportunities, which led to inequality of the vote of citizens living at home and abroad (which is contrary to the constitutional principle of equality of the vote guaranteed by Article 22 of the Constitution), because, in the 2011 early elections in all three electoral districts abroad, the parliamentary seats were won by the VMRO-DPMNE with the following results: in the 7th electoral district which includes Europe and Africa, a Parliamentary seat was won by 1578 votes out of 4591 registered voters, of which 2494 voters voted; in the 8th electoral district which includes North and South America, a Parliamentary seat was won by 560 votes out of 1824 registered voters, of which 994 voters voted; and in the 9th electoral district which includes Australia and Asia, a Parliamentary seat was won by 548 votes out of 798 registered voters, of which 600 voters voted. There is no doubt that this is a typical example of the inequality of the vote as there is not a same number of voters choosing the same number of elected MPs. OSCE-ODIHR, regarding this issue concluded that: "In the fourth electoral district (in-country), the minimum number of votes necessary to win a seat was 9,340, while in the ninth electoral district (out-of-country), the winning candidate became an MP with only 548 votes, representing a difference of over 1,600 per cent"⁴.

3 Election Results and Evaluation of the Electoral Process

³ Jeton Shasivari, "Open Candidate Lists as an opportunity to Personalize the Will of the Voters", SEEU-REVIEW, Volume 8, No. 1, 2012, p. 9-24.

⁴ OSCE/ODIHR Election Observation Mission Final Report, F.Y.R.O.M. Early Parliamentary Elections 5 June 2011, p. 5.

² European Commission for Democracy through Law (Venice Commission), Electoral Code of F.Y.R.O.M. as amended on 5 and 13 April 2011, (Official Gazette No 44/2011 and 51/2011).

A total of 1,156,049 citizens of the Republic of Macedonia from 1,821,122 registered voters, voted in the 2011 early parliamentary elections, representing a turnout of 63.48 per cent (6.42 per cent more than in the 2008 elections). In 2011 early elections, it was voted in 2,973 polling stations, and the number of valid ballots was 1,124,064 and of invalid ballots were 31,985. In the 2008 early parliamentary elections, 1,015,164 citizens of the Republic of Macedonia from 1,779,116 registered voters cast their vote, representing a turnout of 57.06 per cent. In these elections it was voted in 2,973 polling stations, and the number of valid ballots was 986,991 and of invalid ballots were 28,173⁵.

The 2011 early parliamentary elections were won by the VMRO-DPMNE with 38.98 per cent of the votes and 56 seats, but compared to the 2008 election results, this party marks a decline of the percentage of the votes for 9.80 per cent and 7 fewer parliamentary seats. The second party in the elections of 2011 was the SDSM with 32.78 per cent of the votes and 42 parliamentary seats, which compared to the 2008 election results, marks an increase of the percentage of the votes for 9.14 per cent and 15 more parliamentary seats. Within the Albanian political camp, DUI, DPA and NDR gained 25 MPs. DUI won more votes with 10.24 per cent of the votes and 15 parliamentary seats, but compared with the 2008 election results, this party marks a decline of the percentage of the votes for 2.58 per cent and 3 fewer parliamentary seats. DPA was the second party in the Albanian political camp with 5.90 per cent of the votes and 8 parliamentary seats, but compared with the 2008 election results, this party marks a decline of the percentage of the votes for 2.36 per cent and 3 fewer parliamentary seats. NDR founded in 2011 was the third party in this political camp with 2.67 per cent of the votes and 2 parliamentary seats. In this regard, the general opposition mood of the voters should be noted as a feature of the 2011 early parliamentary elections, because the votes of all the smaller opposition parties from the Macedonian political camp together exceed the number of votes of VMRO-DPMNE for 1,044 votes and, on the other hand, the votes of all the smaller opposition parties in the Albanian political camp together exceed the number of votes of DUI for 6,441 votes, but the fact that these smaller parties were running separately, and the majority effect of the D'Hondt's method, disabled them from winning any parliamentary seats. Also, due to the fact that seven Albanian political parties competed separately, the number of Albanian MPs decreased by 4 compared to the 2008 elections, which was also due to the low turnout (49.39 per cent) in the sixth electoral district with predominantly Albanian voters, where otherwise a lower turnout in 2011 early parliamentary elections was noted.

Regarding the evaluation of the electoral processes in general, initially, it should be noted that the Republic of Macedonia is a part of the group of countries in transition with a contested election potential because of the little progress on the institutional capacity to organize fair and democratic elections and this kind of election consolidation deficiency can be seen from Freedom House reports⁶ on countries in transition for a period of ten years, where the Republic of Macedonia has a minimal rise of

the electoral index in the past three years and marks a decline in the democratic score and is part of the semi-consolidated regimes having weaker index compared to other countries of its group.

In particular, the 5 June 2011 Early Parliamentary Elections were assessed as generally calm, without serious incidents and in compliance with the main international standards, but also with some serious deficiencies, whereby in gross, they were of a higher level compared to the previous parliamentary elections of 2006 and 2008. In this regard, the European Commission Report on the progress of the country for 2011 noting that, elections were competitive, transparent, and well-administered throughout the country. On the Election Day, the voters were able to freely express their choice in a peaceful atmosphere from a diverse and pluralistic choice of candidates. Freedom of expression, movement and assembly was respected. The media provided extensive coverage of the campaign, enabling voters to make an informed choice, also highlighting deficiencies associated with insufficient separation between state and political party, pressure on civil servants, ethnic polarization of society, updating of the Voters List, arrangements for out-of-country voting and the public broadcasters which contrary to legal obligations and its public mandate, favored the government and strongly criticized the opposition in its coverage⁷.

In this regard, on the pre-election period it is worth mentioning the most serious non-democratic form of a pressure on the state and public administration officers ascertained by the OSCE/ODIHR that led to inadequate separation between the ruling party and the state, which represents the first reaction of this type of the International Community in the electoral history of the country after its independence in 1991:

"The OSCE/ODIHR received a number of allegations that party activists had requested civil servants to list a certain number of voters who would vote for the ruling party. According to these allegations, employees of state and public institutions were intimidated and threatened with loss of their jobs if they did not comply with these requests. Other allegations included threats that citizens would lose their pensions or social services if they did or did not support certain parties or candidates. The overwhelming majority of these allegations concerned actions by state officials and activists of the principal governing party. Any partisan actions by state employees taking place during working hours represent a misuse of state resources for party purposes. The OSCE/ODIHR was presented with emails that show that requests were made by a VMRO-DPMNE party activist to local mayors and heads of educational institutions before the elections were called. On 19 May, the Prime Minister, blurring the lines between his function as Prime Minister and as leader of the governing party, issued a letter on government letterhead to all civil servants and government employees in which he appealed that they "guarantee the freedom of elections." However, in the same letter, the Prime Minister took a partisan position when he referred to "attacks from our political competitors" and "ungrounded attack from the opposition"⁸.

⁷ Commission Staff Working Paper-The F.Y.R.O.M. 2011 Progress Report, Brussels, 12 October 2011, p. 7.

⁸ OSCE/ODIHR Election Observation Mission Final Report, F.Y.R.O.M. Early Parliamentary Elections 5 June 2011, p. 44-45.

⁵ State Commission Election Reports-2006, 2008 and 2011.

⁶ Freedom House-Nations in Transit, 2012.

4 Conclusions

The 5 June 2011 early parliamentary elections in the Republic of Macedonia were held in tense political circumstances between the government and the opposition, as well as in terms of a deep polarization of the society along inter-ethnic and intra-ethnic lines. In general, this electoral process showed that the country is moving too slowly towards real International and European electoral standards. Although the international community described the elections as fair and democratic, much work remains to be done in the future according to international recommendations in terms of avoiding the observed inconsistencies of the electoral system of the country in the pre-election and election period, especially in terms of sufficient separation between the ruling party and the state and improving the out-of-country voting procedures in accordance with the international and constitutional principles of equality of the vote. At the political level, the 2011 early elections did not bring any governmental changes, but however, they strengthened the opposition and created favorable conditions for the future election battles between the political parties in the country.

REFERENCES

- [1] Commission Staff Working Paper-The F.Y.R.O.M. 2011 Progress Report, Brussels, 12 October 2011.
- [2] European Commission for Democracy through Law (Venice Commission), Electoral Code of F.Y.R.O.M. as amended on 5 and 13 April 2011, (Official Gazette No 44/2011 and 51/2011.
- [3] Freedom House-Nations in Transit, 2012.
- [4] Jeton Shasivari, "Open Candidate Lists as an Opportunity to Personalize the Will of the Voters", SEEU-REVIEW, Volume 8, No.1, 2012.
- [5] State Commission Election Reports-2006, 2008 and 2011.