

YEAR 17

No.

58

December
Skopje 2019

POLITICAL THOUGHT



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ГОДИШНИК
17

ПОЛИТИЧКА МИСЛА

POLITICAL THOUGHT

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■ YEAR 17, NO 58,
DECEMBER, SKOPJE 2019

Publisher:

Konrad Adenauer Foundation, Republic of North Macedonia
Institute for Democracy "Societas Civilis", Skopje

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Printing: Vincent grafika - Skopje
Design & Technical preparation: Pepi Damjanovski
Translation: Tiina Fahrni, Ognena Nikuljska
Macedonian Language Editor: Elena Sazdovska

The views expressed in the magazine are not views of Konrad Adenauer Foundation and the Institute for Democracy "Societas Civilis" Skopje. They are personal views of the authors. The publisher is not liable for any translation errors. The magazine is published 2 times a year and it is distributed to political subjects, state institutions, universities, and foreign representatives in Republic of North Macedonia and throughout Europe.

Year 17, No 58, December
Skopje 2019
ISSN 1409-9853

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Short Biography



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Изворна научна статија

УДК:327.56:[316.4.063.34:911.375(497)
341.7:911.375(495.622)

Leonidas Makris

AN ALTERNATIVE VISION FOR THE BALKANS: CITY INITIATIVES AS A VEHICLE FOR RECONCILIATION AND PROGRESS

In a region where several countries have failed to advance as much as their citizens were hoping to, the limitations of nation-states to overcome their deeply rooted animosities are striking. In this respect, the 'diplomacy of cities' can ideally prove to have what it takes to ease tensions and transcend negative predispositions between Balkan countries. As the example of the city of Thessaloniki demonstrates, this expectation can prove to be substantiated and can set a successful paradigm for cooperation between cities as well as countries in Southeast Europe.

INTRODUCTION

The socio-economic gap between most of the Balkan countries and the rest of Europe remains a big challenge to overcome. This certainly reminds us that

the necessary incentives to facilitate economic development and increase the chances for prosperity in this tormented region are still lacking. Before attempting to offer an innovative political approach on the issue, a serious epistemological problem needs to be addressed. Apart from being a geographical denomination, the term 'Balkan' does not denote a group of countries with a common economic, social, religious or cultural background in a cohesive way. Southeast-Europe includes typically consolidated democracies like Slovenia and Greece with a very high Human Development Index, recently consolidated democracies like Romania and Bulgaria, as well as non-consolidated democracies in the Western Balkans (Linz and Stepan, 1996). This diversity entails that it would be a mistake from our part to describe the whole region in a monolithic way, using essentialist characterisations that have traditionally been ascribed to the Balkans. The work of Todorova (1997) on the use of the common Western approach to this particular geographical area, coined 'balkanism', could serve as a useful indicator of what we need to avoid when we comment on the region. We should not approach a complicated, heterogeneous and dynamic Balkan reality from a single, all-encompassing political point of view that disregards the diversity of the area and the willingness of its inhabitants to live better. Such an unfair portrayal could become part of the problem by projecting negative stereotypes on the region and its people, as it has often been the case (see, for example, Kennan, 1993). While we should avoid exempting the Balkan states from their responsibilities, the detrimental effect of a fervent effort (coming from assumingly more 'civilized' cultures) to export the nation-state model to Balkan societies, which used to be ethnic and religious mosaics, has to be recognised (Benbassa, 1993).

THEORETICAL BACKGROUND

There are two important levels on which progress could foster prosperity across the entire Balkan Peninsula. Both infra-national and supra-national initiatives can bypass national differences as well as disparities of development and cultural contrast observed in the region. The problem in the Balkans is the traditional animosity between countries and ethnic communities. A way to tackle bilateral hurdles of this kind is to collaborate at a different level. The supra-national initiatives in Southeast Europe are primarily dominated by the European Union.¹ However, the EU has recently shown signs of hesitation to expand further and to incorporate the most politically sensitive area of the region, the Western Balkans, in the near future.² Thus, until the EU shows more willingness to assist reform in

1 This is not to say that other states (USA, Russia, China and Turkey) or international organisations (NATO) are not trying to promote their interests by offering strategic alliances with the countries of the region. However, it is only the EU that has proposed - as early as the Thessaloniki EU Council in 2003 - a holistic and cohesive plan connecting the future of the region to EU accession of all of its countries, including the Western Balkans. Furthermore, the EU has clearly linked the prospect of accession to criteria concerning the economic and political progress of the candidate states (see <http://data.consilium.europa.eu/doc/document/ST-11638-2003-INIT/en/pdf>).

2 See the relevant talks and decisions of the European Council (17th and 18th of October 2019) refusing to start accession negotiations with both North Macedonia and Albania (<https://www.consilium.europa.eu/en/policies/enlargement/>).

certain Balkan countries by giving them the motive to join the Union relatively soon, we have to resort to alternative means of facilitating the region's progress.³

Cooperation between cities can circumvent official national divisions and, in addition, it can facilitate countries to try and resolve them. During the last decades, an accelerated process of globalisation has been gradually depriving nation-states of their previously cardinal and exclusive role in managing affairs in our continent (Kazepov, 2005). There is a chance to try and fill this power vacuum in a way which is more constructive for the future of the region, taking into account that the role of nation-states has, generally speaking, been counter-productive in South-east Europe. Most of the central governments of the area have traditionally followed nationalist strategies and incompatible national myths, embedding their politics in a vicious antagonism with their neighbours and proving to be utterly unable to foster peace and prosperity (Kedourie, 1993). A more decentralised initiative could prove to be more effective in strengthening development than state action. City cooperation is less institutionally formalistic and bureaucratic than state action, less conservative and nationalistic, more agile and flexible to achieve tangible results that foster growth and prosperity (Mpieratos, 1999). Since the 1990's, it has become obvious that cities are able to seek synergies exceeding national borders and limitations. In some ways, they have forced governments to accept the special role and ambitions of 'international cities' which started transforming mayors into ambassadors of development and cultural collaboration (Soldatos, 1991).

Non-central governments in general, and cities in particular, enjoy 'a sovereignty-free status' in politics. In a region replete with nationalism like the Balkans, this is of special importance. Cities are not recognized as sovereigns, and they are thus not obliged to strictly follow the diktat of central governments. They can adopt more idealistic positions towards peace and cooperation easier than states and avoid conflictive issues stemming from religious and national rivalry (Lequesne and Paquin, 2017). Central state policy, on the other hand, cannot ignore the constraints of the country's official line and political strategy (Cantir and Kaarbo 2016). If we are to find a way out of the vicious cycle of conflict and antagonism, which we are very familiar with in the Balkans, cities have to mobilise their resources and form international cooperation networks. There is an ample array of activities which Balkan cities can work together on, building the necessary confidence to improve the relationship between their respective countries. In the existing European city networks, these activities range from urban and economic issues as well as the environment to governance, social inclusion, culture, technology, transport, and education.⁴ By such multifaceted partnerships, local leaders as well as ordinary Balkan people can be exposed not only to various

³ This is not to say that alternative means of regional development like city-collaboration should stop when the EU revives the accession process for the Western Balkans. On the contrary, the two processes can be mutually supportive and facilitate progress in the entire region.

⁴ See <https://urbact.eu/all-networks>

urban systems and their practices, but also to different cultures and points of view, circumventing therefore restrictions and limitations emanating from national or nationalist strategies.

On the one hand, the need to intensify urban partnerships in Southeast Europe lies within the failure of several countries of the region to overcome old rivalries and, on the other, within the urge to instigate economic development. It has been demonstrated that cities' networks can offer new opportunities for local businesses and companies, facilitating their internationalisation. Furthermore, transfer of knowledge and skills between cities transcends financial aspects as such and fosters the maintenance of stable urban as well as democratic and national frameworks, which, in turn, support the entire economies involved (Tavares, 2016). Coined either as 'paradiplomacy' (Soldatos, 1990; Aldecoa and Keating, 1999) or 'diplomacy of the cities' (Barber, 2013), urban networking has produced tangible results.

THE PARADIGM OF THESSALONIKI

In the last few years the city of Thessaloniki under the leadership of Mayor Yiannis Boutaris has probably been the most pioneering paradigm of this kind of diplomacy in the Balkans.⁵ The example of Thessaloniki has been striking for several reasons. Its extrovert policies and networking has primarily attracted an impressive influx of tourists, accompanied by an increase in the city's revenues.⁶ In addition, Thessaloniki was probably the first city attempting to present its Balkan history and tradition as an advantage that could attract visitors and investors from the neighbouring area. "Mr Boutaris [was] unapologetic about his bid to present Thessaloniki as a Balkan 'melting pot', stressing the city's multi-ethnic history, a place where Greeks, Turks, Jews and Slavs lived together" (Economist Intelligence Unit, 5th of September/2014). Furthermore, Boutaris' administration had to confront a (not uncommon in the Balkans) conservative, nationalist and regressive mentality cultivated for decades, in Thessaloniki in particular, and in Greece as a whole. Despite this background, his effort was considered as a significant breakthrough. "In broadening the city's tourism profile, a previously rather claustrophobic city [started] to become a more open one, embracing its multicultural past" (ibidem).

5 Mr Yiannis Boutaris was Mayor of Thessaloniki, Greece's second largest city, between the 1st of January 2011 and the 1st of September 2019.

6 In 2010, before the extrovert policies of Mayor Boutaris were implemented, there was one million overnight stays in Thessaloniki's hotels, with only one quarter of them by persons from abroad. According to estimations, in 2018 there were approximately three million overnight stays with the majority of them by persons from foreign countries. The number was reached by combining data from Thessaloniki's Hotel Association (see <https://news.gtp.gr/2019/01/25/thessaloniki-overnight-stays-reach-2-4-million-2018/>) and data from the Greek Tourism Confederation (SETE) regarding statistics about international arrivals by plane and road by the entry points closest to the city (see and compare data from 2018 <http://www.insete.gr/en-gb/INSETE-Intelligence/Statistics> and data on 2010 [https://sete.gr/_fileuploads/entries/Statistics/Greece/International%20Tourist%20Arrivals%20\(Non-Residents\)/catID47/GR/110503_JAN-DEC%202010-9\(bilingual%20version\).pdf](https://sete.gr/_fileuploads/entries/Statistics/Greece/International%20Tourist%20Arrivals%20(Non-Residents)/catID47/GR/110503_JAN-DEC%202010-9(bilingual%20version).pdf)). Furthermore, one has to take into account that, compared to 2010, in 2018 there were proportionally more overnight stays in Thessaloniki at hotels which are not members of Thessaloniki's Hotel Association and in other private lodgings.

Thessaloniki's city diplomacy started with full scale presentations of what it could offer to citizens of major cities of the region, and proceeded by inviting other cities to act likewise.⁷ Thus, Thessaloniki formed its own essential network. After establishing rudimentary ties and a basic level of communication with many of his counterparts, Mayor Boutaris dared to confront fossilised stereotypes and tried to amend relationships with nations perceived as 'enemies' of Greece in the area. This included neighbouring Slavs and Albanians in North Macedonia and Albania, as well as Turks and Jews. What makes the aforementioned example of this city's diplomacy even more special is its practical involvement in attempting to ease international disputes and differences. In doing so, Boutaris held regularly meetings not only with mayors from the region, but also with state leaders⁸ (The Observer, 31st December/2017). His role in the rapprochement between North Macedonia and Greece was duly acknowledged to be decisive (Deutsche Welle, 31st December/2017), since he assisted in establishing cordial relations with high officials from North Macedonia like Prime Minister Zaeu and Foreign Minister Dimitrov. Additionally, he actively supported the efforts of the Greek government led by Prime Minister Tsipras to resolve the name dispute between North Macedonia and Greece by supporting the Prespa Agreement (Financial Times, 29th June/2018) during a crucial and difficult period.⁹ Although Mayor Boutaris succeeded in being one of the few politicians to maintain friendly ties with Turkish officials and his efforts produced tangible results, attracting thousands of Turkish visitors (New York Times, 15th June/2012), full reconciliation between the two countries never came to fruition. Greek-Turkish differences are deeply rooted, and much remains to be done if the two countries would like to act as friends and not as rivals in the future. While Boutaris' role was not crucial for the strategic alliance between Greece and Israel,¹⁰ he certainly assisted in boosting their ties (Jerusalem Post, 4th May/2019). Furthermore, the Mayor also became a precursor of reconciliation between Greece and Germany, which, some years ago, were experiencing tense relationships because of the eurozone crisis. He was one of the few Greek politicians Germans were considering as reliable and worthy of praise at the time (Der Spiegel, 15th February/2012; Business Insider, 16th February/2012). Lastly, he helped mending Greek-Albanian relationships, acting at both local and national level, by initiating an important city twinning with Durres and meeting with the Albanian Prime Minister twice (Lifo, 5th April 2012; To Vima, 19th September/2014). It is worth mentioning that engaging in Greek-Albanian relations was equally sensitive, partly due to dubious

7 During their trips to the rest of the Balkan countries as well as Turkey and Israel, the Mayor and the responsible Vice-Mayor for International Relations Mr Spiros Pengas were accompanied by representatives of the city's chambers, universities and business community.

8 Among others, he met with Presidents and Prime Ministers from Serbia, Bulgaria, North Macedonia, Albania, with the President of Israel Simon Peres, as well as Ahmet Davutoglu. During most of these meetings, he had the opportunity to promote common projects (e.g. the Danube-Morava-Axios canal) and underpin cultural, educational and business cooperation.

9 This was the time (first half of 2018) that big rallies were taking place in both countries with the aim to cancel any efforts to resolve their differences.

10 The close alliance between the two states was clearly formed during the last years because of important geopolitical and energy related factors.

stereotypes of the Greek population towards Albanian immigrants, many of which live in Thessaloniki.

In any case, Thessaloniki's 'paradiplomacy' confirms the observation that such daring practices can contribute to building ties not only at a city-to-city level, but also at a city-to-state level, facilitating state-to-state relationships (Soldatos, 1991). Tavares claims that city diplomacy can possibly become an ever-growing phenomenon in which local powers increasingly substitute the role of central powers (Tavares, 2016). As the case of Thessaloniki under Mayor Boutaris demonstrates, this can indeed prove to be feasible - particularly if a city fulfils at least some of the criteria to qualify it as having 'international status' (Soldatos, 1991), a mainly outward-looking strategy, networking, infrastructure, and institutions. "Non-central government actors" can manage to "enjoy considerable autonomy in the making of their international policies". They also devote considerable re-sources to paradiplomacy and they have more and more influence...on the definition of national foreign policies" (Lequesne and Paquin, 2017, p.190).

| CONCLUSION

Sometimes a determined political will to change things can prove to be the decisive factor to overturn negative predispositions and stereotypes, particularly when local initiatives for international alliances have tangible results and bring economic benefits which can reverse an otherwise sceptical and suspicious Balkan mentality. This was the case with the consistently outward city diplomacy of Thessaloniki, which succeeded in taking up an educating role for an otherwise conservative local population. "The shift in public opinion in the city has been radical, and previous detractors now firmly support a similar rapprochement with all neighbouring countries" (Economist Intelligence Unit, 5th of September/2014). And while Thessaloniki's Mayor did not invent the wheel and simply collaborated closely with other politicians from different countries by drawing on best practice (ibidem), we should not forget that, in this part of Europe, reactionary mentality is infamous for a reason: "Greece's most liberal Mayor" was brutally attacked for having a progressive attitude towards old resentments between neighbouring countries, assumingly innate in the Balkan mentality (Washington Post, 20th May/2018).

The initial goal of the Mayor's strategy was the progress of his city, but it gradually becomes evident that both his country as well as the entire region benefited from it. It is worth pointing out that his city diplomacy succeeded vis-à-vis typical nationalist approaches of states in the area because people could experience the tangible advantages of his politics. They perceived obvious signs of feasible prosperity linked closely to reconciling diplomatic practices

and extrovert networking. It was primarily for this reason that his urban diplomacy, which was innovative in the region, had a significant educational aspect, making it an exemplar practice that other cities can follow. And while “the unconventional Mr Boutaris...did not set out...with the aim of setting an example” to the rest of the region, “his readiness to break with the old ways of doing things and his innovative way of governing Thessaloniki” (Economist Intelligence Unit, op. cit.) may yet provide a model of cooperation for both cities and states across the entire Balkan peninsula.

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Short Biography



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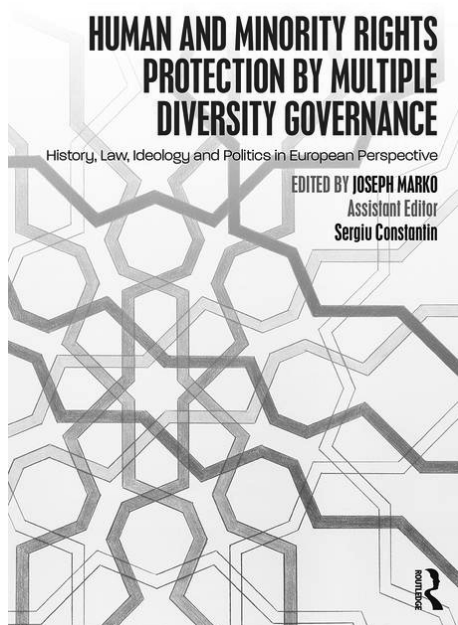
Изворна научна статија

УДК: 342.724(049.3)

316.4.063.3:323.15]:340.13(049.3)

Zoran Ilievski

BOOK REVIEW: “HUMAN RIGHTS AND MINORITY RIGHTS PROTECTION BY MULTIPLE DIVERSITY GOVERNANCE” EDITED BY JOSEPH MARKO, ASSISTANT EDITOR SERGIU CONSTANTIN



Prof. Joseph Marko holds a distinct position among the laureates with academic and practical experience in the fields of European politics, human and minority rights, constitutional and international law, governance and nationalism. During his comprehensive academic biography, he has been dean of the Law Faculty and director of the Institute for Austrian, European and Comparative Public Law, Political Science, and Administration at the Karl Franzens University of Graz and the Institute for Minority Rights at the European Academy Bozen/South Tyrol. His professional engagements as a judge at the Constitutional Court of Bosnia and Herzegovina, member of the Council of Europe's Advisory Committee of the Council of Ministers, political advisor to the High Representative in Bosnia and Herzegovina, Christian Schwarz-Schilling,

and legal advisor to UN's Secretary General Special Advisor on Cyprus, Mr. Espen Eide, has provided him with a remarkable in-depth understanding and exceptional opportunity to contribute in human rights protection and democratic development all around Europe. He is author and co-editor of more than 25 books.

In their book "Human Rights and Minority Rights Protection by Multiple Diversity Governance", published by Routledge in 2019, Prof. Marko and a group of co-authors approach the topic of protection of minority rights from the perspective of different, interconnected disciplines. They present a strong argument against the perception, interpretation and treatment of minority rights as a problem for national security, governability and/or the social cohesion of society, explicating the historical and present conduct of nation states on this issue and exploring the opportunities in regard to contemporary and near future trends in societal governance. Contradicting the common exploitation of minority rights and their direct and constant harassment with resentment and hatred, Joseph Marko and his co-authors deconstruct this intolerance and follow its roots in the anti-pluralist nation-come-state paradigm, proposing an alternative: multiple-diversity governance based on the ethical position of cosmopolitan pluralism.

Prof. Marko deeply embarks upon a topic of highest urgency, if we consider the global trends in migration and free fall of minority protection, on the one hand, and the rise of left and right wing populist movements and nationalist tendencies across Europe, on the other. In the beginning of the book, Prof. Marko tackles this issue and presents a vivid argumentation on the risk of minority rights protection in an ideological and legal environment of balkanisation of European societies. Then, he presents the three theses that form the backbone of his theoretical framework for a new approach. The first one is the necessity to deconstruct the framing of minority protection by means of the monistic-identitarian nation-come-state paradigm. Second, the need to end the manipulation and misuse of the concept of ideology as the interface of law and politics. And third, he postulates that the creation of interpersonal solidarity and trust need not necessarily remain restricted to persons enjoying the same legal and political status as citizens of a particular nation-state based on belonging to an allegedly common cultural community of shared culture and values.

In an important endeavor to develop a social constructivist and pluralist approach based on multi-perspectivity, Prof. Marko brings forward three theoretical innovations regarding identities, political systems and diversity management: making human dignity the axiomatic anchor in the triangulation of the principles of freedom, equality and diversity at the micro-level of inter-subjective social relations in connection with institutional accommodation or autonomy; integration and unity at the macro level against the dual danger of assimilation and separation, exclusion, and physical extinction.

Prof. Marko's expertise in the field of minority rights and protection is indisputable, but with this book, he positions himself not only as a world-known analyst and critic on the issue, but also as a pacesetter concerning how societies should be governed in the new era. Pointing at the limitation of cultural and political pluralism of the French model of state-nation and the German model of nation-state, due to the construction of social and political categories based on certain epistemological perspectives and ontological stances imbued with empirical and normative plausibility, Prof. Marko positions the theory of integration by means of law following from the English tradition as a platform to develop legally institutionalised structures of social, political and cultural pluralism. This reconstruction would focus on the cognitive/normative construction of social categories and the empirical formation of multiple social identities, and the formation of groups through social organization and thus institutionalisation. Hence, it would replace the existing doctrines with multidimensionality and multifunctionality of law in dynamic, norm-generative cycles based on the theory of norm contestation within a permanent norm-generative cycle to provide for a normative concept of constitutional pluralism.

With an extensive analysis on court rulings and law practices, Prof. Marko and his co-authors demonstrate how state neutrality is an illusion and how any absence of affirmative action leads to assimilation and discrimination. They find the responsibility for this action not only in supranational and national hands, but with other stakeholders, such as the media, the business sector, education, religious and other citizen's groups, which should take a proactive minority-friendly approach to enhance the intercultural communication and self-confident debate on values.

Prof. Marko and the group of co-authors not only challenge the dichotomic approach to understanding and dealing with (in)equality, they also highlight the multi-dimensionality of discrimination. Their model of multiple diversity governance is an astounding contribution to the philosophical and political theory of pluralism, since they analyse the administration of identity differences through the lens of cosmopolitan constitutional pluralism, which is notably presented as an opportunity to successfully reconcile political unity with legal equality and multiple diversities.

This book will be a compulsory literature for law and political science students and an excellent source of topics and arguments for the discussions on challenges of modern governance and human rights protection.

Short Biography



Dr. **Aleksandar Spasenovski** is a professor at the Institute for Constitutional Law and Political System at the Faculty of Law Iustinianus Primus at “Ss. Cyrill and Methodius” University in Skopje. His main research interests are political parties and interest groups as well as contemporary political systems.

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Изворна научна статија

УДК: 316.423.2:321(497.7)
321.7(497.7)(091)

Aleksandar Spasenovski

THE TRANSFORMATION OF THE MACEDONIAN PARTY SYSTEM: FROM MONISM TOWARDS PLURALISM

INTRODUCTION

The evolution of the Macedonian party system from monism towards pluralism advanced in line with the overall transformation of the constitutional and legal system, from socialism towards democracy. In the light of those tectonic shifts, there are very few events in our recent political history that could be described as utterly positive. The transformation of the Macedonian party system from monism towards pluralism was one of the positive examples, developing “top-down, led by the state leadership” rather than “bottom-up, under pressure from the citizens”, as was the case in Romania, for example.

Against the background of the aforementioned, the study at hand presents an overview of the exceptionally significant transformation process. We will not

only focus on the analysis of the events, but also on the laws and decrees that brought about the democratic transformation.

The development of the party system of the Socialist Republic of Macedonia can be divided into three phases:

- the phase of explicit political monism, which lasted until 29 November 1989;
- the phase of transition from political monism towards political pluralism, from 29 November 1989 to 13 April 1990;
- the phase of establishing political pluralism, from 13 April 1990 to 8 September 1991.

The event that marked the divide between the first and the second phase was the Tenth Congress of the League of Communists of Macedonia that took place from 27 to 29 November 1989. The third phase was initiated when the Law on Changes and Amendments to the Law on Citizen Organisations and Associations entered into force on 13 April 1990. Furthermore, the Constitution of the Socialist Republic of Macedonia as of 1974 was changed and the Law on Elections and the Dismissal of Members of Parliament and Committee Members entered into force on 21 September 1990

The third phase started with the referendum on independence on 8 September 1991, when the citizens chose to leave the socialist past behind and opted for a democratic, independent and sovereign state.

1.1. FEATURES OF POLITICAL MONISM

(FIRST PHASE)

Before the process of political pluralisation was initiated in the late 1980s, the sole political entity in charge of institutions and policies was the League of Communists of Yugoslavia (LCY) with its regional branches in the federal republics of the Socialist Federal Republic of Yugoslavia (SFRY). Thus, in the Socialist Republic of Macedonia (SRM), the monopoly of political power was with the League of Communists of Macedonia (LCM).

During that time, in the SFRY and thus the SRM, apart from the League of Communists, there were some other formations that were politically active, so that, in the formal sense and on the level of self-determination, there was no monism of political power, but a certain type of political pluralism. Other organisations of political activity were the Socialist Alliance of Working People of Macedonia (SAWPM), the Trade Union, the Youth Organisations, and other similar associations. However, those organisations were merely different forms,

but actually controlled by the ruling party. Therefore, the party system of the SRM was a one-party system, i.e. the SRM was a politically monistic republic.

Up to the Tenth Congress of the LCM in November 1989, there had been some autonomous types of citizen associations apart from the aforementioned organisations that were controlled by the ruling party, namely non-governmental organisations mainly dedicated to issues related to ecological progress.¹

The events in the most liberal of all republics of the SFRY, Slovenia, had a particular impact on the processes of political pluralisation in the SRM. As early as the beginning of the 1980ies, the wave of liberalisation and democratisation that had seized the Eastern European states, especially Hungary and Poland, reached Slovenia, and similar political movements and organisations were established.² For this reason, the phenomenon that spread from Slovenia to the other republics of the SFRY is also referred to as the “Slovenian syndrome”. The subsequent acceleration of democratisation processes in the SRM was significantly influenced by that syndrome.

In the late 1980ies and early 1990ies, when there was still no procedure for registering parties as legal entities, various initiatives that pursued political goals were established. Most of them called themselves “movements”, such as the Movement for All-Macedonian Action, or “leagues”, such as the League for Democracy. Those political associations are likely to have deliberately chosen to avoid the use of the word “party”, fearing negative reactions from the socialist institutions, since the sole legitimate political entity was still the League of Communists. Obviously, the processes towards political pluralism and democratic openness developed similarly in the other republics of the SFRY.

The League of Communists of Slovenia (LCS) had a pioneering role in initiating the transition towards political pluralism in the SFRY. In Slovenia, the decision in favour of a pluralistic political system was made in July 1989, four months before the Macedonian Communists followed. Certainly, we should keep in mind that the decisions of the Communist leaders in all the republics of the SFRY, including the SRM, were strongly influenced by the tectonic shifts caused by the fall of communism in Eastern Europe.³

It was in 1989, the year of the Tenth Congress of the LCM, that the Polish communists legalised the Solidarnosc movement (January) and initiated formal talks with its representatives (February), with the result that the political

1 See: Cane Mojanoski, *Letopis na makedonskata demokratija*, Pakung, Skopje, 2000., p. 13.

2 The people’s uprisings in Eastern European states initiated the collapse of communism. The events started in Poland in 1989, and continued in Hungary, East Germany, Bulgaria, Czechoslovakia and Romania. The Soviet Union was dissolved in 1991, following the decision of the Russian Federation and 14 other Soviet Republics to declare their independence. Between 1990 and 1992, the communist/socialist system also collapsed in Albania and the SFRY. These processes had an impact on other socialist states beyond the European continent, such as Cambodia, Ethiopia and Mongolia, in which the state order also came to an end. (See: Bartłomiej Kaminski, *The Collapse Of State Socialism*, Princeton University Press, Princeton, New Jersey, 1991).

3 See: Ratko Marković, *Ustavno pravo i političke institucije, IPD Justinjan, Belgrade*, 2006, p. 306-335.

movement was granted legal status (April) and parliamentary elections were held (June). The elections were won by the anti-communists, and for the first time in 42 years, a non-communist prime minister was elected.

Three months before the LCM's Congress in Macedonia, millions of citizens in Estonia, Latvia and Lithuania gathered in everyday protests for liberty and independence, forming a human chain of more than 600 kilometres.

Two months before the Congress, the process of democratic transition was finalised in Hungary, and one month prior to it, Erich Honecker, the communist leader of the German Democratic Republic, had to give up leadership of the party, initialising a process which would eventually result in the reunification of Germany in 1990.

In Bulgaria, just a few days before the LCM's Congress took place, after 45 years of communist rule, the party leader stepped back, and his successor changed its name into Bulgarian Socialist Party (BSP).

Finally, on the very day of the Tenth Congress of the LCM, the communist party of Czechoslovakia announced that it would give up the monopoly of political power. The subsequent elections in December 1989 resulted in the first non-communist government in 40 years.

As opposed to general conditions in liberal Slovenia and other East European states, democratic and pluralistic ideas could not be implemented in Socialist Macedonia without tremor, which was generally due to the following five circumstances:

- insecurity and lack of strategy of the LCM towards the pluralisation and democratisation processes that were taking place not only in Eastern Europe, but also in the SFRY and thus the SRM;
- the lack of a common position, i.e. a strongly divided opinions within the LCM;
- the lack of significant historical experience with democratic pluralism and market economy, since the Macedonian people had never experienced statehood of their own, always having been under someone's yoke until becoming the SRM within SFRY;
- caused by the aforementioned, the lack of a political or societal elite (other than the existing socialist elite) which would be more aggressive in insisting on establishing a pluralistic political system;
- linked to this, there was no powerful democratically oriented political diaspora with strong international ties and the capacity to boldly support the democratic transition, as was the case in Slovenia and, in particular, Croatia.

Hence, the insecurity, lack of strategy and division within the LCM, which had to carry out the process of democratic transition in the SRM, was most evident during the Tenth Congress of the party which had been the sole political entity until then.

1.2. THE TRANSITION FROM POLITICAL MONISM TO POLITICAL PLURALISM

(SECOND PHASE)

The Tenth Congress of the LCM was a milestone in the further development of the SRM as a democratic state, as opposed to the, to some extent, authoritarian socialist past.

Unlike in the states of the communist block where the processes of democratic pluralisation were more dramatic, in the SRM, the atmosphere in society before the Congress was completely different. Some authors have interpreted this as an indicator for Macedonia having been rather conservative at that time,⁴ so that it would be difficult to carry out democratic pluralisation processes under those circumstances. However, there were also pro-democratic activities within society, albeit with less publicity, such as the ideas on the political and social rehabilitation of some opponents of the LCM's political monopoly who had been marginalised and impeded by the system, for instance Prof. Dr. Slavko Milosavljevski.⁵

There were two wings within the LCM regarding their opinion on pluralisation and democratisation:⁶ the conservatives and the liberals.

The most distinct representatives of the LCM's two wings were the conservative Mikhail Danev and the liberal Petar Gošev. After Jakov Lazarevski had resigned from the leadership of the LCM in 1989, both Danev and Gošev ran for president of the party,⁷ a race which was ultimately won by Gošev, who became the last leader of the League of Communists in the Socialist Republic of Macedonia.

The conservative wing of the LCM was committed to introducing so-called "non-party pluralism", a term that they understood as the establishment of a system which would see the LCM keep their position as the sole party in the state, but

4 See: Cane Mojanoski, *Letopis na makedonskata demokratija*, Pakung, Skopje, 2000, p. 11.

5 Slavko Milosavljevski (1928-2012) was a Macedonian dissident. When the Yugoslavian communist leadership was at the peak of its fight against liberalism and nationalism, in 1972, Milosavljevski had to resign from his office as Secretary of the LCM. The following year, the LCM leadership excluded him from its basic organisation at the Law Faculty in Skopje, for which reason his employment was also discontinued. As a result of this development, among others, Milosavljevski emigrated to the USA in 1974, but returned to Macedonia. When the political monopoly of the LCM was being terminated, he participated in establishing the Social Democratic Party of Macedonia (SDSM). (See: Dimitar Mirčev, *Zaminuvanjeto na Milosavljevski*, dnevnik.mk, 18.10.2012.; Denko Maleski, *Vo spomen na Slavko Milosavljevski*, okno.mk, October 2012.)

6 See: Aneta Jovevska, *Izborite fokus na političkiot život*, Dijalog No. 6, Skopje, 1994, p. 81.

7 In communist parties, including the LCM, the leader was called secretary general, a function which was similar to the president in democratic political parties.

at the same time allow “legally organised pressure groups” to be legal entities. The latter were envisaged as organisations that unite groups of individuals with certain ideological and programmatic interests realised by means of legally determined ways of communication with the LCM-led state. Some authors use the terms “lame” or “crippled” pluralism when referring to the project of non-party pluralism,⁸ since it insists on a compromise between two incompatible concepts: political pluralism, which is based on various parties competing for the citizens’ trust under fair conditions, and political monism, which is an authoritarian concept based on one party having the monopoly of power over the institutions and the state.

In opposition to the conservatives, the LCM’s liberal wing introduced a concept of democratic political pluralism, which, contrary to totalitarian ideologies, recognises the existence of diverse political parties and interest groups which define different individual and group interests and, in compliance with democratic rules, compete for the trust of citizens at general and direct elections in order to govern the state.

At the Tenth Congress, the ideas of the liberals prevailed, and thus the decision to build the SRM as a “democratic, citizens’ and social state” and to “abolish the power monopoly of the LCM” was made.⁹ Thereby, the political conditions for initiating the process of political pluralisation were created.

Hence, renouncing the communist rule in the SRM can be labelled with the term “top-down change”, since it was realised without any mass protests or revolutions for introducing political pluralism, as had been the case in Hungary and Bulgaria - as opposed to the negative examples of street protests in Poland, Czechoslovakia and the German Democratic Republic.

According to the decisions of the last LCM Congress, its president Petar Gošev formed an Expert Committee¹⁰ to prepare platforms (documents, plans, strategies) for establishing political pluralism and market economy, an advisory body that is often referred to as the “Gošev Committee”. The Committee comprised about 30 members, mostly professors and scientists, but also some politicians, including Kiro Gligorov, Nikola Kljusev, Gordana Siljanovska, Dimitar Dimitrov, Denko Maleski, Ljubomir Frčkoski, Lazar Kitanovski, Dimitar Mirčev and Jane Miljoski, among others. Some of the members would later become high state and political officials, such as Kiro Gligorov, who was elected first president of the independent Republic of Macedonia, and academician Nikola Kljusev, who was elected its first prime minister. Maleski, Dimitrov, Siljanovska, Frčkoski and Miljoski were ministers in the first Macedonian government, while Mirčev was

8 See: Aneta Jovevska, *Izborite fokus na političkiot život*, op. cit.

9 See: Slavko Milosavljevski, „Istočna Evropa pomegju egalitarizmot i demokratijata“, Ljuboten, Skopje, 1993, p. 140.

10 See: Utrinski vesnik, *Intervju Petar Gošev: Po porazot vo 1990 godina, sakav da se povlečam od politikata*, No. 1929, 16.10.2006.

appointed the first ambassador of the Republic of Macedonia to Slovenia. One of the results of the Expert Committee's work was that the last socialist government of the SRM,¹¹ led by Gligorie Gogovski, adopted all necessary acts to carry out the first multi-party elections in Macedonia.¹²

During the time between the Congress of the LCM and the adoption of the changes to the Law on Citizen Organisations and Associations, the first forms of political organisation started to appear, with the Movement for All-Macedonian Action carrying out its constitutive assembly on 4 February 1990 and the League for Democracy on 11 February 1990, both in Skopje. Three other parties also held their founding assemblies (or adopted their founding decision) during this period: the Party of Macedonian Workers' Unity on 3 March 1990 in Prilep, the Social Democratic Party of Macedonia on 18 March, and the National Party of Macedonia on 12 April 1990, both in Skopje.

1.3. ESTABLISHMENT OF POLITICAL PLURALISM

(THIRD PHASE)

The process of democratic transformation in the SRM was initiated by the adoption of the three following legislative decrees:

- the Law on Changes and Amendments to the Law on Citizen Organisations and Associations on 13 April 1990;¹³
- the Amendments to the Constitution of the SRM of 1974 on 21 September 1990,¹⁴ and
- the Law on Elections and the Dismissal of Members of Parliament and Committee Members on 21 September 1990.¹⁵

The chronological order shows that introducing political pluralism into the SRM did not start from amendments to the Constitution, but from a change in legislation. The basic principle of subordination of lower to higher legal provisions was not respected, i.e. instead of the law being brought into compliance with the constitution, the constitution was amended to comply with the previously adopted legal amendments, with which the monopoly of the ruling LCM was abolished and founding additional parties was allowed. However, during that time, Macedonia was haunted by an atmosphere of uncertainty and fear, whereas conflicts in the other parts of the SFRY were getting more dramatic

11 In the SRM, the government was called executive council.

12 See: *Utrinski vesnik, Intervju Petar Gošev: Po porazot vo 1990 godina, sakav da se povlečam od politikata*, op. cit.

13 *Law on Changes and Amendments to the Law on Citizen Organisations and Associations*, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 12, Skopje, 13.4.1990, p. 237-239.

14 *Decree to promulgate Amendments LVII - LXXXI to the Constitution of the Socialist Republic of Macedonia*, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 28, Skopje, 21.9.1990, p. 506-511.

15 *Law on Elections and the Dismissal of Members of Parliament and Committee Members*, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 28, Skopje, 21.9.1990, p. 513-519.

while the state was falling apart. In the Eastern Bloc, meanwhile, the process of democratic changes and velvet revolutions was in full swing. The order of legislative changes in Macedonia might well have been influenced by those events.

1.3.1. THE LAW ON CHANGES AND AMENDMENTS TO THE LAW ON CITIZEN ORGANISATIONS AND ASSOCIATIONS

The establishment of the legal framework for founding political parties was initiated by the adoption of the Law on Changes and Amendments to the Law on Citizen Organisations and Associations on 13 April 1990.¹⁶ This law was adopted about five months after the last Congress of the LCM, where the decision to establish political pluralism and to abolish the monopoly of the ruling party had been made. The Assembly of the Socialist Republic of Macedonia adopted the law on 12 April 1990, and the president of the presidency of the SRM signed the decree on its enactment on the same day. On the very next day, it was published in the Official Gazette. Subsequently, with regard to the fact that the amendments changed the main idea of the legal text as of 1983,¹⁷ the adjusted text was published in the next issue of the Official Gazette on 21 April 1990.¹⁸

The first law on citizen organisations and associations in the SRM, adopted in 1983,¹⁹ regulated the “way of realisation of the freedom of association of the working people (Article 1) in order to fulfil their interests and rights of self-government [which are] in accordance with the common interests of the socialist society (Article 2) and based on the socialist relations of self-government (Article 3)”. Hence, according to this law, citizens had the right to form associations for engaging in a broad range of educational, cultural, technical and sports activities (Article 2), but not in political activities (Article 3). In comparison, the amendments of April 1990 to the law as of 1983 were utterly dramatic and radically changed its initial intention. The amendments were completely in line with the fundamental decision of the LCM to abolish political monism and introduce pluralism. Unlike the initial law, the amended law now regulated how citizens could unite in organisations and citizen associations (Article 1) based on free and voluntary choice [...] for engaging in different activities, including political ones (Article 2, paragraph 1). Hence, citizens who decided to team up in

¹⁶ *Law on Changes and Amendments to the Law on Citizen Organisations and Associations, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 12, Skopje, 13.4.1990, op. cit.*

¹⁷ *Law on Citizen Organisations and Associations, Official Gazette of the Socialist Republic of Macedonia, XXXIX, No. 32, Skopje, 11.11.1983, p. 625-630.*

¹⁸ *Law on Citizen Organisations and Associations (revised text), Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 13, Skopje, 13.4.1990, p. 253-256.*

¹⁹ *Law on Citizen Organisations and Associations, Official Gazette of the Socialist Republic of Macedonia, XXXIX, No. 32, Skopje, 11.11.1983, op. cit.*

order to realise political interests and goals, “can unite as political organisations, parties and other types of political organisations” (Article 2, paragraph 3).

With the amendment to Article 2 of the Law as of 1983, the SRM introduced political pluralism. With the amendments concerning other articles of the law, other issues were dealt with, such as founding, registration, financing, closure, etc. of citizen organisations and associations, including political parties, political movements and other types of political citizen organisations.

With regard to the topic of the present paper, Article 12 of the Law is of particular significance.²⁰ That provision stipulated that for founding an association (hence, also a political party) it was necessary for at least ten citizens of full age with permanent residence in the territory of Macedonia to express their will to do so. This liberal condition is evident proof that the then state leadership was honestly willing to establish political pluralism in the SRM and repeal the monopoly of the LCM. Further conditions set by the amended law were just as easy to fulfil: in order to register a political party, it was necessary for it to have a statute that defined its goals and tasks, its organisational form and internal setup, its name and seat, conditions and ways of becoming a member, as well as rights, duties and competences of the members, ways of representation, how funds would be used, how the public would be informed about activities (Article 10) and similar information.

The next step, according to Article 13, was to hold a founding assembly and adopt the statute and the founding decree, containing the names of the founders, the party’s name and seat, its goals and tasks, and the name of the person authorised to carry out the registration. Notably, with the amendment of the law, paragraph 3 of Article 20 was deleted, according to which the founders had been obliged to obtain an assessment from the Socialist Alliance of the Working People of Macedonia on whether the formation of the organisation was in the social interest. This deletion contributed to eliminating obstacles on the way to political pluralism.

According to Article 15 of the Law, the third step was for the authorised person to submit the statute and the decree adopted at the founding assembly to the office of the Ministry of the Interior (Moi) in the municipality where the party had been founded. The Moi kept a register of associations and citizen organisations, including parties. The fact that it was the Moi rather than some other, non-repressive body which was responsible for registering parties can be seen as a restraint or unfavourable condition for citizens to realise their right to free political association. The Moi was authorised to issue a confirmation on the registration of a political party, and by this act, the party was considered a legal

²⁰ Law on Citizen Organisations and Associations (revised text), *Official Gazette of the Socialist Republic of Macedonia*, XLVI, No. 13, Skopje, 13.4.1990, op. cit.

entity. Hence, with the amendments to the Law, registering a party was intended to be made easier. Namely, if the MoI would not issue a confirmation within 30 days, the political party would automatically be considered to be registered from the following day (Article 16). If the MoI held that the statute or founding decree were not in compliance with the law and the Constitution, it had to inform the applicant about the mistakes, which the latter could correct within 30 days (Article 19, paragraph 2). If the MoI decided to reject the application to register a political party, the latter had the right to submit an appeal. If the MoI rejected the application a second time, the applicant had the right to lodge a complaint with the Supreme Court of Macedonia as the court of final instance (Article 21).

Apart from the registration, the Law regulated two events:

- the ban of a party, and
- the discontinuation of a party's activity.

The difference between the two events was that, in the first case, a party would be closed against its own will by state institution because of some non-constitutional or illegal activities, while in the second case, the party decided itself to discontinue its activity, or the interest in its existence would have decreased below the level determined by law. According to Article 23, an already existing party could be banned in the following cases:

- if it demolished the foundations public order determined by the Constitutions;
- if it jeopardised the state's independence;
- if it violated human rights and freedoms;
- if it posed a threat to peace;
- if it incited ethnic, racial or religious hatred or intolerance;
- if it incited criminal offences, or
- if it offended public morality.

The responsible institution was the Regional Court (Article 24), with a right to appeal to the Supreme Court, which however did not have a postponing effect (Article 26).

According to Article 22 of the Law, a political party would discontinue its activities in the following cases:

- if it was so decided by the members, or
- if the number of party members had decreased below the necessary number of founders, i.e. if it had less than ten members.

Apart from founding political parties (as a type of citizen organisations and associations), their activities and their ban and discontinuation, the Law

regulated issues regarding the acquisition and use of funds, commercial activity, and penal provisions.

After the Law had come into effect, 19 more political parties were formed in Macedonia, so that their total number was 23 by the end of 1990. The most important parties (with regard to results at subsequent elections) were:

- the Party for Democratic Prosperity (PDP), which held its founding assembly in Tetovo on 15 April 1990, two days after the Law was adopted;
- the Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity (VMRO-DPMNE), which held its founding assembly on 17 June 1990, two months after the Law was adopted;
- the League of Communists of Macedonia - Party for Democratic Change (LCM-PDP, later the Social Democratic Party of Macedonia, SDSM), which only had to submit an application for registration on 3 July 1990, since it was the legal successor of the LCM;
- the Socialist Party of Macedonia (SPM), which held its founding assembly in Skopje on 13 July 1990, three months after the Law was adopted.

Apart from the newly founded parties, the LCM was also active on the new pluralistic political stage. The party underwent a fundamental change and revised its ideological and programmatic postulates in accordance with the overall tectonic shifts and processes. The LCM was transformed into LCM-PDP and later into SDSM. Hence, the party discontinued its programme and ideology from the socialist period, accepting the principles of social democracy.

Against the background of the huge transformation of the LCM regarding its internal structure, its name and its overall activity, one can ask whether it is correct to talk about one and the same political party.

In comparison, in Slovenia and Croatia, the former communist parties completely denied continuity with regard to the parties they originated from, while in Macedonia (like in Serbia and Montenegro), they emphasised stemming from them. Anyway, in accordance with the respective analyses, we can conclude that there is an organisational continuity between the LCM, the LCM-PDP and SDSM, as we can see from the gradual transition of the party symbols and name as well as the relevant provisions of the statute.

As a result of the creation of respective legal and political circumstances, 23 political parties were registered in Macedonia in 1990. For comparison, during the same year, 24 political entities were registered in Montenegro, 40 political parties were registered in Croatia, and 124 in Slovenia. A similar development took place in the Eastern European states. Namely, in Hungary, there were 120

parties by the end of 1989, and by the end of 1991, there were 61 parties in Bulgaria and 300 parties in Poland.

From the above mentioned, we can see that, throughout the entire former Socialist and Communist Block, the previous political monism was being replaced by its opposite: a process of “atomisation of party systems”, as it has been labelled in theory, during which a wide range of political parties was formed. However, after that initial wave of euphoria, the situation stabilised towards the end of the 1990ies, when a few dominant political entities gained the support of a large part of the citizens in the states mentioned. Slovenia is the best example of this process, with its over 100 parties registered in 1994, a number that had decreased to 32 by the end of 2001.²¹

The explosive development of new political entities in Macedonia leads us to the following conclusions:

- citizens had been unhappy with the previous system, which had been authoritarian to some extent, i.e. democracy and political pluralism were strongly accepted;
- society was highly fragmented along ethnic, social and ideological lines, reflected in the high number of parties that were founded;
- those ideological, ethnic, religious and social groups which had been suppressed during the time of partly authoritarian socialism experienced an increased urge to catalyse their ideas and programmes into parties;
- there was a “desire for the new”, a certain idealism, which had a stimulating impact on forming new political parties.

1.3.2. THE AMENDMENTS TO THE CONSTITUTION OF THE SOCIALIST REPUBLIC OF MACEDONIA AS OF 1974

On 20 September 1990, the Assembly of the Socialist Republic of Macedonia adopted 25 amendments to the Constitution of the SRM as of 1974.²² These constitutional changes were as drastic as the legal amendments with which the political monopoly of the LCM had been abolished. The constitutional amendments concerned a wide range of issues, redefining Macedonia as a state on its way to democratic pluralism and market economy.

With the Amendments to the Constitution, the following issues were defined differently:

²¹ See: Ratko Marković, *Ustavno pravo i političke institucije*, IPD Justinjan, Belgrade, 2006, op. cit.

²² *Decree to promulgate Amendments LVII - LXXXI to the Constitution of the Socialist Republic of Macedonia*, Official Gazette of the Socialist Republic of Macedonia, rod.: XLVI, No.: 28, Skopje, 21.9.1990, op. cit.

- human and citizen rights and freedoms (Amendment LXX), including the issue of Macedonian emigrants and the Macedonian people in the neighbouring states;
- the character of the state power, regarding the following issues:
 - the representation of citizens in the institutions (Amendment LXXVI and Amendment LXXVIII);
 - the status of local self-government (Amendment LXIX);
 - the status of the judiciary (Amendment LXXI) including the Supreme Court (Amendment LXXVIII);
 - the status of the Assembly of Macedonia (Amendment LXXIV),
 - the status of the Government (Amendment LXXVI);
 - introduction of the functions President and Vice President of Macedonia (Amendment LXXV); and
 - the status of the National Bank (Amendment LXXII);
- property (Amendment LIX and Amendment LX) and economic policy (Amendment LXIII);
- carrying out the functions of Macedonia (Amendment LXIX and Amendment LXXIII);
- the organisation of the agencies (Amendment LXV).

The phrase “the working class and all working people hold the power and the government”²³ was erased from the Constitution and replaced by the statement that “the citizens hold the power via elected representatives in the Assembly, the municipality and the city”²⁴ (Amendment LXVI).²⁵ This fundamental definition was completed by restrictions to political organisation and activity of the citizens (Amendment LXX), still maintaining the following prohibitions:

- to incite violent change of the constitutional order;
- to jeopardise the independence and territorial integrity of the SRM and the SFRY;
- to violate the human and citizen rights and freedoms;
- to incite ethnic, racial or religious hatred or intolerance.

We should emphasise here that the citizens’ right to political organisation and activity was defined only in a very general way, pointing at further definition by means of a respective law (Amendment LXX). At that time, the law that regulated

23 See: Article 109, *Constitution of the Socialist Republic of Macedonia*, Official Gazette of the Socialist Republic of Macedonia, XXX, No. 7, Skopje, 25.2.1974, p. 106-162.

24 According to the amendments, the citizens that realised their power by means of referendums, at gatherings, and by means of other types of debates.

25 See: Amendment LXXVI, *Decree to promulgate Amendments LVII - LXXXI to the Constitution of the Socialist Republic of Macedonia, Amendments to the Constitution of the Socialist Republic of Macedonia*, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 28, Skopje, 21.9.1990, op. cit.

the founding and work of the parties had already been adopted, namely the Law on Changes and Amendments to the Law on Citizen Organisations and Associations discussed above.²⁶ According to the rules now defined by the amendments, the citizens would elect representatives from the ranks of the “political organisations and other forms of organisations and associations” on a local and central level, with a mandate of four years (Amendment LXVIII). Considering the cited provision, it remains unclear why the term “political parties” was not used, and “political organisations” were referred to instead, since the term “party” was used in the above mentioned law.

The fact that the word “party” was avoided points at three conclusions at least:

It can be seen as symbolical step backwards from the achieved progress with regard to abolishing the monopoly of the LCM and the introduction of a multi-party system.

It can be interpreted as a sign that the conservative wing of the LCM could put forth its ideas here. Before being defeated at the Tenth Congress, the conservatives had been in favour of introducing a system of “non-party pluralism” (rather than “democratic pluralism”) which would not allow political organisations to hold the status of a political party, foreseen solely for the LCM.

Leaving the issue of citizens’ political organisations to be regulated in detail by a law could indicate that there was a certain insecurity regarding the (ir)reversibility of the entire process of democratic pluralisation, i.e. the disintegration of communism and socialism, having in mind that changing the Constitution is far more complex and politically more difficult than amending a law. Therefore, if the word “party” would have been used instead of “political organisation”, all political opinions against a democratisation of the SRM would have been additionally marginalised. The chosen wording left room for future manoeuvre, if necessary, so that changing conditions related to (not) introducing pluralism and (not) abolishing the LCM’s monopoly, as well as (not) becoming a true democracy could have been legally managed in a relatively easy way.

Concerning the issue of political organisation, another two provisions of the Constitution have to be considered:

The amendments redefined the LCM’s position with regard to the restrictions and involvement of religious organisations in politics. The change was introduced by Amendment LXX, which stipulated that all citizens of Macedonia are equal regarding their rights and duties, regardless of a range of criteria, including religion (point 1). Paragraph 3, point 5 stipulated that religious communities cannot establish political organisations. Point 1

²⁶ Law on Citizen Organisations and Associations (revised text), Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 13, Skopje, 13.4.1990, op. cit.

replaced Article 204, paragraph 1 of the Constitution of the SRM as of 1974,²⁷ which did not guarantee the right to equality to the citizens, and point 5 of Paragraph 3 supplemented Article 225²⁸ which stipulated the prohibition of misusing religion for political goals. Those two changes provided that religious organisations were forbidden to participate in political processes by means of establishing their political parties. Nevertheless, now that the provision that banned using religion for political goals had been eliminated, religious organisations were allowed to present their opinions and suggestions on state issues in public.

The President and Vice President of Macedonia did not have the right to hold a function within a party (Amendment LXXV), among others. When the amended Constitution was in force, Kiro Gligorov was President of the Republic, and Ljubčo Georgievski was Vice President. Gligorov did not hold any function within the LCM-PDP/SDSM, even though that was the party he promoted and which he was affiliated to. Georgievski, however, who was president of the political party VMRO-DPMNE when he was elected Vice President, continued to carry out his function within the party even after his election.

With regard to the party system, the Constitution was not explicit on the matter of the parties' basic goal – to win elections and thus to gain the opportunity to govern the state. According to Amendment LXXIV, which dealt with the legislative power, the members of parliament elected the president and the members of the government. Meanwhile, according to Amendment LXXV, it was the state president who had the right to propose the candidate for president of the government to the members of parliament. Amendment LXXVI, in turn, stipulated that the state president consult with all parties before proposing a prime minister, however, it was his own decision whom to choose as candidate.

From the way the procedure of proposing a president of the government was described, we can draw three conclusions:

The state president was provided great autonomy regarding the proposal of a president of the government to the parliament, since he was not explicitly obliged to assign the task of forming a government to the most numerous political group. Hence, in theory, the state president could propose a candidate who was a member of a party that did not have the trust of a majority of citizens.

In this situation the basic principle of representative democracy was relativised, namely, that the political party that wins a majority of votes at elections has the right to govern the state, which involves the right to be the first to propose a

²⁷ *Constitution of the Socialist Republic of Macedonia*, Official Gazette of the Socialist Republic of Macedonia, XXX, No. 7, Skopje, 25.2.1974, op. cit.

²⁸ *Ibid.*

candidate for president of the government and thus be the first to attempt to form a government.

In those times of uncertainty, the chosen legal solution can be interpreted as a conscious intention to stimulate the formation of broad political coalitions of all relevant parties represented in the Macedonian Assembly, thus providing a stronger guarantee for peace and stability.

1.3.3. THE LAW ON ELECTIONS AND THE DISMISSAL OF MEMBERS OF PARLIAMENT AND COMMITTEE MEMBERS

The adoption of the Law on Elections and the Dismissal of Members of Parliament and Committee Members²⁹ on 21 September 1991 completed the legal framework for introducing political pluralism in Macedonia. The law was adopted together with the constitutional amendments discussed above and another related law, the Law on Electoral Units for Electing Members of the Assembly of the Socialist Republic of Macedonia.³⁰

In the law, the term “representative” was used, referring to “members of parliament” as well as “committee members” and thus the legislative power as well as the municipal councils.

The following was defined by the Law:

- the way the elections would be held;
- the composition and mandate of the bodies in charge of carrying out the elections;
- tentatively, the electoral units (the 120 electoral units were determined in detail by the Law on Electoral Units for Electing Members of the Assembly of the Socialist Republic of Macedonia);
- the procedure of determining candidates and representatives;
- the way the elections would be carried out;
- other important issues related to organising a democratic election process.

The Law practically introduced the pluralistic system of election of members of parliament. The electoral units were formed as to comprise an approximately equal number of citizens who elect one member of the Assembly. Political parties with more than 1500 members had the right to propose candidates in the entire state territory (Article 20, paragraph 3), while parties and associations

²⁹ *Law on Elections and the Dismissal of Members of Parliament and Committee Members, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 28, op. cit.*

³⁰ *Law on Electoral Units for Electing Members of the Assembly of the Socialist Republic of Macedonia, Official Gazette of the Socialist Republic of Macedonia, XLVI, No. 28, p. 519*

with less members had to back every candidate with at least 100 signatures. The Republic's Election Commission was appointed to carry out the elections and see to the campaigning, voting, counting of votes and publication of results being done orderly.

Apart from elections, the Law regulated the discontinuation of a representative's mandate in the following six circumstances:

- in case of dismissal;
- in case of resignation;
- if the Member of the Assembly was sentenced to an unconditional prison term of six months or a more serious sentence;
- in case of incompatibility with the function of representative;
- in case of death;
- if the Member of the Assembly lost his/her ability to work.

Three days after the adoption of the constitutional amendments and the Law on Elections and the Dismissal of Members of Parliament and Committee Members, the president of the legislation called the first democratic multi-party elections, which took place on 11 November 1990. The Macedonian Assembly continued its work in that composition until 8 January 1991. The first democratic multi-party elections in Slovenia and Croatia had been organised in Spring, some six months before the Macedonian elections, while in Serbia, they were carried out on 9 December 1990, some weeks later. It should be pointed out that, apart from parliamentary elections in all its republics, no elections were carried out on the level of the SFRY as a whole. According to scholars, that fact additionally sped up the process of disintegration and decay of Yugoslavia, and, thus, the achievement of state independence for Macedonia.

CONCLUSIONS

The development of the party system of the Socialist Republic of Macedonia (SRM) can be divided into three phases. The phase of explicit political monism lasted until 29 November 1989. The second phase, the phase of transition from political monism towards political pluralism, lasted from 29 November 1989 to 13 April 1990, and the third one, the phase of establishing political pluralism, from 13 April 1990 to 8 September 1991.

Against the background of the aforementioned, the events of that period lead to at least three conclusions: first, that the institutions were highly preoccupied with introducing political pluralism, second, that creating the conditions for the introduction of political pluralism had a satisfactory dynamics, and third, that the then political and state leadership had a distinct tendency to clearly define legal

norms as a basis for the democratic transformation of the Socialist Republic of Macedonia.

It is important to take into account comparative examples in order to determine the speed and quality of the processes that were going on in the SRM. Thus, in Slovenia, the first law to legalise political parties, i.e. the first law to include the legal basis for the creation of new parties, was adopted in December 1989, four months earlier than in Macedonia. Meanwhile, in Croatia, the respective law was adopted two months after the Macedonian one (June 1990), whereas in Serbia, the law on political organisations was adopted three months later, on 19 July 1990. This chronology offers additional proof that, in the SRM, the processes of political pluralisation had a dynamic comparable to the more liberal parts of the SFRY, such as Slovenia, undoubtedly.

| SUMMARY

The development of the party system of the Socialist Republic of Macedonia (SRM) can be divided into three phases. The phase of explicit political monism lasted until 29 November 1989. The second phase, the phase of transition from political monism towards political pluralism, lasted from 29 November 1989 to 13 April 1990, and the third one, the phase of establishing political pluralism, from 13 April 1990 to 8 September 1991.

The event that marked the divide between the first and the second phase was the Tenth Congress of the League of Communists of Macedonia that took place from 27 to 29 November 1989. The third phase was initiated when the Law on Changes and Amendments to the Law on Citizen Organisations and Associations entered into force on 13 April 1990. Furthermore, the Constitution of the Socialist Republic of Macedonia of 1974 was changed and the Law on Elections and the Dismissal of Members of Parliament and Committee Members entered into force on 21 September 1990. The third phase started with the referendum on independence on 8 September 1991, when the citizens chose to leave the socialist past behind and opted for a democratic, independent and sovereign state.

Against the background of the aforementioned, the events of that period lead to at least three conclusions: first, that the institutions were highly preoccupied with introducing political pluralism, second, that creating the conditions for the introduction of political pluralism had a satisfactory dynamics, and third, that the then political and state leadership had a distinct tendency to clearly define legal norms as a basis for the democratic transformation of the Socialist Republic of Macedonia. The latter is additional proof that, in the SRM, the processes of

political pluralisation had a dynamic comparable to the more liberal parts of the SFRY, such as Slovenia, undoubtedly.

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Изворна научна статија
УДК: 364-146.2(4)

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ESPING-ANDERSEN'S TYPOLOGY OF THE WELFARE STATE AND THE POST- COMMUNIST BLOC¹

INTRODUCTION

It is undoubtedly safe to say that theories on the welfare state have focused quite much on defining the parameters and indicators by which countries are categorized according to their specific type, resulting in a vast array of typologies of the welfare state by different authors. One typology that has been quoted quite often, as well as criticised and supplemented, is Gøsta Esping-Andersen's typology of the welfare state. Many authors have come up with arguments on why the three divisions proposed by Esping-Andersen are not sufficient to describe all countries or are lacking some important indicators such as gender and family. Meanwhile, there seems to be a lack of discussion and research on the development of the welfare state in post-communist states, even in the context of the European continent. While at least some type of debate on the

¹ Key words: Esping-Andersen's Typology, welfare state, transition countries, SEC Europe, Eastern Europe.

welfare state in Central and Eastern Europe has emerged, mainly due to their being part of the EU, which has sparked the need for comparative studies on old and new Europe, there is a very substantive lack of focus on the development of the Southeast European post-communist welfare state, as well as typology. This paper therefore addresses the debate on the welfare state and its typology in the post-communist communities, with major reference to Central and Eastern Europe, and elaborates on the Southeast European welfare state development and typology. It draws upon North Macedonia as a specific case within Southeast Europe, emphasising that this region adds to Esping-Andersen's typology, and points at the difference between the development of the welfare state in South Eastern Europe, on the one hand, and Central and Eastern Europe, on the other.

TYPOLGY OF THE WELFARE STATE, ESPING-ANDERSEN, AND THE CRITICS

The discussion on the welfare state mainly originates from three components: the quality of social rights, social stratification, and state-market-family relations, and it is conceived as the basic concept of social citizenship. The welfare state has become a trend within the research on state evolution and social research, mainly due to the fact that “the Western democracies had turned their back on the old traditions of staunch laissez-faire or paternalistic authoritarianism – the welfare state became a key ingredient in the post-war consolidation of universal democracy”². Additionally, in the debate on whether the welfare state is the reason or a result of economic growth in different states, Barr attests that it “is much more than a safety net; it is justified not simply by any redistributive aims one may (or may not) have, because it does things which private markets for technical reasons either would not do at all, or would do inefficiently. We need a welfare state of some sort for efficiency reasons and would continue to do so even if all distributional problems had been solved”.³ In other words, the existence of a welfare state would be imperative even if there was no need for redistributive policies targeting the poor. This is, in some way, explained in the typologies of Esping-Andersen on the welfare state, one of which is mainly concerned with efficiency rather than social protection.

According to Esping-Andersen, there are three main models of the welfare state:⁴ the corporatist, the liberal, and the social-democratic model. The main parameters to differentiate between the models are the perception of de-commodification, entitlement and eligibility, and range and income replacement. As a response to commodification, the corporatist model was the first to be vocal

2 Gösta Esping-Andersen, *Welfare States and the Economy*, in: Smelser, Neil J./ Swedberg, Richard (eds.): *The Handbook of Economic Sociology* (Princeton N.J., Princeton University Press, 1994), 714

3 Nicholas Barr, *The Economics of the Welfare State* (Oxford: Oxford University Press, 2012), 340

4 Gösta Esping-Andersen, *The Three World of Welfare Capitalism* (Princeton, N.J., Princeton University Press, 1990)

and thus initiated the forming of guilds and later on mutual societies, relating social rights to morality and loyalty. In terms of entitlement and eligibility, the corporatist model focuses on the need requirement and emphasises status differences and the role of the family. The liberal model is based on small de-commodification, low transfers, and means-tested poverty relief. It is based on entitlements on work performance and, to a certain extent, produces class stratification, indicating the need for individual private insurance schemes. The social democratic model, finally, is the most universal in terms of solidarity. Its main tenets are equality for all, and it relies a lot on the development of trade unions.

However, this type of division has received quite some criticism, mainly due to the fact that it is too rigid and not all states can be allocated to one of the proposed models. Three main criticisms have been put forward by Arts and Gelisen, primarily related to⁵ the Mediterranean welfare states, the Antipodean welfare states, and the gender dimension. According to Esping-Andersen,⁶ the South European countries Spain, Portugal and Greece represent the corporatist model. Meanwhile, many consider them to fall under a very own category, different from all three of Esping-Andersen's, and thus need a new category: the Mediterranean welfare state or so-called Southern European welfare state.⁷⁸ The same is true for the Antipodean states, namely Australia and New Zealand, which are considered to represent the liberal welfare regime, but have a comprehensive means tested income benefits system. The last criticism comes from the feminists, which observe the lack of the gender dimension in the proposed models, which, as they argue, is a very important factor in developing welfare regime types. Along the lines of Arts and Gelisen, Trifiletti⁹ contributes to the idea that a fourth welfare type needs to be defined, but also adds some feminist or gender critique. Trifiletti exemplifies this by explaining that family policies are rather supporting rich families than poor ones, especially with regard to women. While a woman in a rich family can stay home and, due to the social construct, be protected by her family members, this is not the case for poor families and women. For poorer women, it is a luxury to stay at home, because, in order to be able to sustain their family within the larger idea of collection of breadcrumbs revenues, women have to work full time. That difference is also t valid with regard to other more conservative welfare nations, on the one hand, and the South European ones, on the other. In the former, part time jobs are available for women, so that they can have the luxury of staying at home (which Trifiletti considers discriminatory towards women with regard to labour,

5 Will Arts, John Gelissen, Three worlds of welfare capitalism or more? A state-of-the-art report, (*Journal of European Social Policy*, vol.12, 2, 2002), 137-158

6 Gösta Esping-Andersen, *Welfare States and the Economy*, 715

7 Giuliano Bonoli, *Classifying welfare states: a two dimensional approach*. (*Journal of Social Policy*, vol. 26, 3, 1997), 351-372

8 Maurizio Ferrera, *The "Southern" model of welfare in social Europe*. (*Journal of European Social Policy*. Vol.6,1., 1996), 17-37

9 Rosana Trifiletti, *Southern European Welfare Regimes and the Worsening Position of Women*, (*Journal of European Social Policy*, vol. 9, 1, 1999), 49-64

but positive with regard to social protection), while in the latter the need for women to work full time is undebatable (which makes this type of model non-discriminatory for women in terms of labour, however there are very poor social protection mechanisms provided for them).

Additional criticism comes from researchers who study the welfare state in post-communist societies, some of which consider those states to represent a distinctive welfare model, a “post-communist European type”. Others consider a more fluid and flexible division, which would allow for a hybridisation between the different models proposed by Esping-Andersen, since “these countries can neither be regarded as a separate regime nor be fitted among the existing regimes”¹⁰. The post-communist criticism actually points at two important shortcomings of the model: first, the emerging welfare state cannot be included in one of the three groups, and second, welfare states are considered static, although they do change over time.

POST-COMMUNIST TRANSITION AND THE WELFARE STATE: CENTRAL AND EASTERN EUROPE

The fall of communism in the early 1990s in Europe and the decay of the Soviet Union and Yugoslavia not only gave birth to new independent states, but brought about the discussions on the political and economic pathways that these new states would take. An important shift which took place during the transformation from a communist to a more democratic regime was the development of the welfare system. Fuchs and Offe describe this development to have been shaped mainly by three determinants: the legacy of the past, the influence of the West, and the political reforms.¹¹ It is not too difficult to understand why the past legacy is considered to be a factor in the development of the welfare state in post-communist Central and Eastern Europe. Being quite universalistic in nature, the welfare system of the communist regime had an impact on the mentality of the population, including the elites, regarding the role of the state in ensuring social welfare for its citizens. The legacy of communism certainly had a huge impact on the path upon which almost all post-communist states embarked, which, as we will see, informs the debate on the typology of welfare systems that these states do or do not belong to. The influence of the West can be mainly attributed to the integration of Central and Eastern Europe into the EU, which required for specific changes and transformations to take place in order to comply with the EU-15 standards. The main change was the shift to a more neo-liberal market economy that the post-communist states were required to undergo, which had a great impact on the welfare system as well.

10 Marija Stambolieva, *The Post-Yugoslav Welfare States – from Legacies to Actor Shaped Transformations*, in *Welfare States in Transition: 20 Years after the Yugoslav Welfare Model*, (Sofia, Friedrich Ebert Foundation, 2011), 348

11 Susanne Fuchs, Claus Offe, *Welfare State Formation in the Enlarged European Union Patterns of Reform in the Post-Communist New Member States* (Hertie School of Governance – working papers, No. 14, 2008), 1-2

Lastly, both internally and externally driven political reforms demanding more rights for the citizens and less power for the elites and the state influenced the way in which the political elites viewed the different processes within the state, and hence also social protection.

The legacy of communism is important to be accounted for, since it has informed the transformation of the states after the collapse of communism in terms of welfare regime. In his deliberations on the communist welfare system, Orenstein found four important elements that provide the legacy in the post-communist period: full employment, broader social provisions, the role of state-owned enterprises, and the intentions behind the welfare state institutions.¹² These elements, particularly state-owned enterprises, had great impact on social provisions, which made everything more affordable for everyone and more universalistic in nature. The intentions behind the welfare state institutions are important for the legacy because the model of differential rather than equal distribution, which implied punishing opponents and rewarding supporters, continued even after the collapse of the communist regime. The collapse led to major shocks, with impact on the development of the welfare regimes: "the elimination of most price subsidies, the end of full employment, and the transformation of state-owned enterprises into profit-making entities."¹³ The amalgamation of these shocks left the post-communist states in an immense recession.

The effect that Europeanisation has had on the development of the welfare state in post-communist Central and Eastern Europe is the central focus of Lendvai,¹⁴ who considers that the emergence of the debate on the welfare state for post-communist Europe went flat after a while. She notes that a quite remarkable decline has taken place with regard to research and comparative analysis that deals with the development of the welfare regimes of the new member states, although they have gone through numerous welfare reforms. According to Lendvai, such research would benefit the fact that, instead of considering the post-communist states a single welfare regime system, they would be analysed individually, accounting for the different paths that they have pursued, especially after becoming EU members in 2004. Lendvai's work follows two main lines of argumentation: first, the fact that, in the New EU Member States, there is a trend of reduced expenditures for social protections in order to cope with government deficit and public liability, and especially in terms of fiscal consolidation and trends, there has been a significant reduction in social transfers and investment expenditures.¹⁵ The second line of argumentation

12 Mitchell A. Orenstein, *Post-communist Welfare States*, (Journal of Democracy, vol.19, 4, 2008), 80-81

13 Ibid., 83

14 Noemi Lendvai, *Variety of Post-communist welfare: Europeanisation and emerging welfare regimes in the New EU Member States*, (Montreal, Paper for the RC-19, 2009), 1-30

15 Ibid., 6

is related to the Lisbon agenda, which requires dominance of neo-liberal governance, both on social and economic grounds, shifting the priorities from social protection to job creation and competition.

Considering the lack of further research after EU accession, in terms of a welfare state typology as designed by Esping-Andersen, it seems that there would be a lot to be said in the case of Central and Eastern Europe, with the debate fluctuating between the model being considered misleading for these states and the need to account for fluidity within its context, allowing for hybridisation, while, however the post-communist states of Europe are considered as one single group. Initially, right after the fall of communism, the West's main prediction was that the post-communist European states would rather follow the Anglo-Saxon than the Scandinavian or continental European model. Namely, it was considered that there would be a "rise of a market-liberal model with means-tested benefits and a moderate system of social insurance targeting a low-income clientele [...] The middle and upper classes, in contrast, would have to rely upon health coverage and pension plans through private means as provided for in the second and third pillars of the social security system."¹⁶ This line of thought might have been present, since the model started to be the forerunner in Europe after the 1980s, which saw high levels of unemployment that paved the way for more liberal policies and market programmes, turning from de-commodification to re-commodification throughout the continent. This perception would have been expected for the post-communist block of Europe, although it apparently had a different shift.

For Fuchs and Offe,¹⁷ "welfare policies in the Central and Eastern European member states do not follow any consistent pattern that would converge with one of the three (or four) familiar welfare regimes from western and southern Europe; nor can the CEE countries be said to have developed a model or 'post-socialist' regime of their own." As a result, they put forward the idea of a more hybrid type of welfare state within the context of the post-communist countries, which is more or less a combination of the conservative (Bismarckian model) and the social democratic model, ignoring, to a certain extent, the welfare liberalism of the Anglo-Saxon model. Orenstein comes to a similar conclusion. She considers the Esping-Andersen model not to be applicable to the post-communist states, because they "draw heavily on conservative, Bismarckian traditions, meaning a strong reliance on social insurance and status-preserving benefits — the better-off have a stronger safety net — and an emphasis on supporting traditional family structures."¹⁸ The liberal twist, she notes, is caused by the influence of the international organisations, forming the basis for the idea

¹⁶ Fuchs, Offe, *Welfare State Formation*, 5

¹⁷ *Ibid.*

¹⁸ Orenstein, *Post-communist Welfare States*, 85-88

of a hybrid model for the post-communist states' welfare regime. Aidukaite,¹⁹ on the other hand, claims that "post-communist European countries form a singular welfare state type because of their distinct institutional similarities", while Adascalitei²⁰ states that "the debate on the emergence of the postcommunist (or East Central Europe, Central Eastern Europe) type of welfare state has been inconclusive."

However, since the EU accession, it seems that there has been a change within the welfare state development, as Lendvai attests, which allows for some kind of division, although not necessarily strictly following Esping-Andersen's model, but rather providing some type of alternative or criticism to it, like Fuchs. In her analysis of the post-communist states after their accession to the EU, Lendvai divides them in groups that follow three models: the neo-liberal welfare model, the social corporatist welfare model, and a more hybrid or incongruous welfare model. To start with, the neo-liberal welfare model as described by Esping-Andersen is characterised by low protection and high economic openness. Within the context of the EU member states from the post-communist bloc, four countries have followed this path: Estonia, Latvia, Lithuania and Slovakia, which all have followed the trend of "radical economic reforms resulting in minimal states, low welfare spending, low taxes, strongly deregulated labour markets and widespread liberalisation."²¹ Namely, the neo-liberal tendency in these countries has resulted in minimum social obligations, leading to increasing inequality, high poverty rates, low pension replacement rates, poor targeting, and insignificant funds for healthcare. The social corporatist welfare model is applied in the Czech Republic and Slovenia. As Lendvai argues, these two countries have come out of the communist regimes with favourable economic conditions, which allowed them to follow the social corporatist model. Both countries have a high level of social expenditures financed by social contributions, as well as a high percentage of social protection per GDP. The accession to the EU has played a positive role in the development of the welfare regime for both countries, contributing to further incorporating parts of the population previously marginalised within the welfare state. The third model, which includes Poland and Hungary, is a hybrid one, because it involves both strong protectionism and a high level of openness, positioning it among Esping-Andersen's three models, while it does not strictly follow any of them.

19 Jolanta Aidukaite, *Welfare reforms and socio-economic trends in the 10 new EU member states of Central and Eastern Europe*. (Communist and Post-Communist Studies. vol. 44, 3,2011), 211-219

20 Dragos Adascalitei, *Welfare State Development in Central and Eastern Europe: A State of the Art Literature Review*. (Studies of Transition States and Societies. vol. 4, 2, 2012), 59-70

21 Lendvai, *Variety of Post-communist welfare*, 13

POST-COMMUNIST TRANSITION AND THE WELFARE STATE: SOUTHEAST EUROPE

While the lack of academic literature and research on the welfare system of Central and Eastern Europe is considered huge, it is even bigger for Southeast Europe, especially for the states that emerged after the dissolution of the Socialist Federal Republic of Yugoslavia. Slovenia constitutes an exception, being often referred to as a Central European rather than a Southeast European, let alone ex-Yugoslav country. According to Stambolieva,²² the reasons that account for the lack of academic interest are diverse, but the most important ones are that the countries are lagging behind in the process of EU integration and that there is a lack of reliable data. Nonetheless, it is important to incorporate the region in the discussion on the welfare state, because it can shed light on the overall post-communist welfare state debate and on the criticism of Esping-Andersen's typology of welfare state.

As in Central and Eastern Europe, the Southeast European post-communist states have undergone a process of transition from a communist to a democratic regime of governance.²³ The social care system, or the welfare system overall, has also undergone a transition from a universalistic communist welfare regime system to a new type, which, to a certain degree, is specific of the separate states rather than the group, as is the case with the Central and Eastern European states.²⁴ In the light of the post-communist fiasco of the welfare state, Todorova²⁵ rightly states that there are both general and country-specific causes for the difficulties that the Southeast European countries have been facing in maintaining, let alone establishing, a suitable welfare system, and for the failure of allowing non-governmental organisations to step in and provide (or helping in doing so) some parts of the social care system. First and foremost, the communist legacy saw the state as the main provider of all social care issues, repressing any other form to help. It goes without saying that, after the collapse of communism with its system of guaranteed employment and social help, social problems increased, as did unemployment and poverty. Another reason for the difficulties in maintaining a stable welfare system in Southeast European countries was the "growing economic and fiscal problems for governments due to the huge costs of restructuring, the low tax returns, and above all the power of the shadow economy".²⁶ The latter was indeed a very important factor, constituting the largest portion of economy itself, with a very

22 Marija Stambolieva, The Post-Yugoslav Welfare States – from Legacies to Actor Shaped Transformations, in *Welfare States in Transition: 20 Years after the Yugoslav Welfare Model*, (Friedrich Ebert Foundation, 2011), 345-363

23 Vojmir Franičević, The Post-socialist States in Southeast Europe: Challenges and Dilemmas, (Politička misao, 2011)

24 Ulf Brunnbauer, From equality without democracy to democracy without equality? Women and transition in southeast Europe, (South-East Europe Review, 2000)

25 Elka Todorova, Transforming Post-Communist Countries' Welfare System: The Role of the State and the Civil Society, (Bulgaria, Trajectories of Contemporary Sociology - Sociologičeski Problemi, 2006), 1-16

26 Ibid.

high level of corruption throughout the governments of the region, especially in the beginning of the transition from communism to a liberal open market and the privatisation of state-owned businesses. Lastly, an important role was played by the loss of social care services that had been provided by state-owned enterprises such as clubs, child care services, housing, recreational facilities, etc. during the communist period. It had a huge impact on the welfare of the population once all these services were to be provided by profit making private enterprises. For Todorova, the surprising issue is that, although the overall situation required the state to involve civil society organisations as providers of social care, the opposite happened, which to a certain degree might have been due to the lack of substantial funding from the international community or the misuse of such funds by the organisations themselves. Needless to say, the transformation to democracies (which to some extent is positively correlated with an effective welfare state regime) is widely considered through the prism of multiparty elections. However, the latter is not really indicative of a true democracy, because in the west, elections came after institutions had been in place, while the opposite is true for post-communist states. Hence, they fail to reflect the values of democracy into their welfare system. Franičević's²⁷ view is similar. He states that elections are not enough to prove democratic arrangements or stability, which he considers to a certain degree necessary for a credible transformation. In his words, "if post-socialist transformation means transforming socialist welfare states (and there is still a lot of nostalgia around and about them) into different states – states respecting both markets and human rights, and if a welfare state is a constituent of the modern understanding of both democracy and good society, then the major challenge is to achieve the credibility of such a transformation." Attempting to situate Yugoslavia within the proposed typology, Stambolieva²⁸ allocates it a place somewhere in between the corporatist and the social democratic model, namely between the Bismarckian and the universal system of welfare, having "developed a rather generous welfare system upon the principles of solidarity and equality, aiming to alleviate unfavorable conditions resulting from a certain social risk as well as to enable social participation."

To better understand the welfare state development in post-communist ex-Yugoslav countries, let us consider the case of North Macedonia. In order to keep the social peace intact in a state which was the only Yugoslav republic to achieve independence without any war, as well as to protect the workers who were now unemployed and the mass of people who were poor due to transition, North Macedonia seems to have used social welfare as a tool rather than as a system

27 Vojmir Franičević, Real and Perceived Inequality, Poverty and Well-Being in South East Europe: Challenges of the Welfare State and Democracy, in *Democracy and Market Economics in Central and Eastern Europe: Are New Institutions Being Consolidated*, (Slavic Research Center, 2004), 1-28

28 Stambolieva, The Post-Yugoslav Welfare States, 345-363

of welfare.²⁹ Having been pressured to downsize social expenditures as well as benefits and subsidies by both the international community and the market forces in the immediate post-communist era, the country responded with several welfare policies, such as:

“The ad-hoc development of services and benefits; appeals to philanthropy and voluntary efforts to fill gaps left by the withdrawal of state services; limited initial privatization of some health and social care services; encouragement of independent social initiatives in the sphere of social protection but with evident differential capacity of citizens to initiate and participate in these; deconstruction of the state social security system in favor of fully funded social insurance funds; the increase of local community control over local social provision but in an impoverished context where the state does not provide enough resources and the local authority has not yet established its own tax base”³⁰.

A similar line of thought can be traced in the work of Uzunov. In his description of the transitional period, he notes that the shift from a universalistic to a selective social protection model came as a result of both internal financial turbulences and external pressure, demanding a more liberal oriented welfare system. The latter resulted in the privatisation of healthcare, targeted and means-tested provision of social protection (conditional in entitlements and eligibility) as well as a pension system based on three pillars, as compared to the single pension system of the previous welfare regime.

With regard to social spending, North Macedonia is situated approximately in the middle between Romania and Bulgaria, and Slovenia and Croatia. As we can see from Table 1, the vast amount of social spending is dedicated to the old age pension and health, while little is spent for other social protection issues (unemployment and social assistance).

Table 1 - Trends in social expenditure in North Macedonia

	2010	2011	2012	2013	2014	2015	2016	2017	2018
Total Social Expenditure	15.49%	15.12%	15.38%	15.18%	15.44%	15.35%	15.49%	15.54%	15.39%
Old age & widowed	9.99%	9.49%	9.94%	9.87%	10.24%	10.09%	10.01%	10.50%	10.26%
Health & Disability	4.10%	4.25%	4.09%	4.06%	4.05%	4.13%	4.41%	4.01%	4.11%
Unemployment benefit	0.56%	0.55%	0.54%	0.46%	0.38%	0.38%	0.31%	0.28%	0.31%
Social assistance (benefit)	0.83%	0.84%	0.81%	0.79%	0.77%	0.75%	0.76%	0.75%	0.70%

Source: Authors calculation, State Statistical Office and Bulletins of the Ministry of Finance of the RNM

²⁹ Maria Donevska, Dragan Gjorgjev, Maja Gerovska Mitev, Tanja Kalovska, Social Protection and Social Inclusion in the former Yugoslav Republic of Macedonia. European Commission, (Directorate-General for Employment, Social Affairs and Equal Opportunities, 2007)

³⁰ Suzana Bornarova, Development of the Social Protection System in Post-Communist Macedonia: Social Policy-Making and Political Processes, in *Welfare States in Transition: 20 Years after the Yugoslav Welfare Model*, (Sofia, Friedrich Ebert Foundation), 139

As mentioned above, the pension system shifted from a single pension to a three pillar system, whereas the former is a “pay as you go” scheme (conditional regarding employment and age), while the latter is a mandatory individual savings scheme. The third one is a voluntary individualised savings scheme. Health insurance, on the other hand, is more universalistic than the pension system, because it provides insurance not only to those who have income or are registered as seeking employment, but to all citizens. The unemployment insurance, as compared to the previous system, has been reduced, since it has more eligibility criteria. Unemployment insurance is now granted certain categories, such as “(i) unemployed persons who have previously been continuously employed for at least 9 months; (ii) in cases of ceased employment, unemployed persons who have been employed for 12 months within the last 18 months; (iii) persons who are unemployed but not by their own will (in cases of bankruptcies, etc.); and (iv) unemployed persons who were seasonally employed”.³¹ It is important to note that, in addition to the former four cases, it is required that during employment all contributions were paid in order for unemployment insurance to be granted, the replacement rate being 50% of the average salary in the last 24 months, paid for a period of 12 months.

With regard to typology, the North Macedonian welfare system is hybrid in a broad sense, because there are similarities with all welfare system models proposed by Esping-Andersen, as well as other models. In terms of protection, e.g., it is universalistic, with a wide coverage as a remnant of the communist welfare system, particularly policies that aim at “increased targeting of social benefits, activation of social welfare beneficiaries, gradual reduction of social expenditures, entry of the private sector along with the preservation of traditional non-formal family care for those facing social risk”,³² thus representing the social democratic model, although it also has enduring features of the liberal model. The Macedonian welfare system falls short of the liberal model also due to the lack of involvement of the private sector into the social protection system and the heavy reliance on the state. With the legacy of the Bismarckian model remaining from the previous system, it also has some features of the corporatist model within its hybridisation range, while stretching a little further from Esping-Andersen’s typology and resembling the so-called Mediterranean or South European model, in which people rely on family ties for informal care.

31 Vančo Uzunov, Socio-Economic Transformation and the Welfare System of the Republic of Macedonia in the Period of Transition. In M. Stambolieva and S. Dehnert (eds), *Welfare States in Transition: 20 Years After the Yugoslav Welfare Model*. (Sofia: Friedrich Ebert Foundation, 2011), 115-134

32 Bornarova, *Development of the Social Protection*, 140

CONCLUSION

In the western world, the welfare state has been an issue of research and discussion ever since the post-war period, when countries started to implement a type of welfare regime targeting different priorities between efficiency and equality. The discussion has resulted in attempts of classifying the different welfare states in groups according to social protection and stratification parameters, with Esping-Andersen's classification model of liberal, corporatist and social democratic welfare regimes being a prominent and quite much debated example. The Central and Eastern European countries have had a rough ride, shifting to a more democratic system of governance and a different welfare system. The impact of the welfare system of the previous regime cannot be bypassed, which evidently has had its impact. One of the main influence factors in the welfare system of these countries has been the shift to market economy. Other factors are the political reforms and Europeanisation. It should be pointed out that the EU member states in Central and Eastern Europe do not adhere to any of the welfare regimes known in the other EU member states.

However, the entire discussion has been lacking focus on the post-communist welfare state, both in terms of research as well as classification according to the existing models. The post-communist welfare model provides the critics of Esping-Andersen's model with a great asset, adding two main issues to the discussion: first, the need for more fluidity of classification, which would allow for a hybridisation as proven in the case of post-communist countries, and second, the need to increase the range of classification to permit for more than three models to be used.

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Изворна научна статија
УДК: 327(510:4-672ЕУ)

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THE EUROPEAN UNION AND THE RISE OF CHINA: ARE THERE ANY COUNTERMEASURES FOR PROTECTING EUROPEAN INTERESTS?

INTRODUCTION

The aim of the paper at hand is to identify the key features of Sino-European relations in the context of recent shifts and changes on the global political stage, all the more taking into account that China under President Xi Jinping is drastically changing its strategic culture from passive and defensive to active and expansive. China's expansionism in international relations demonstrated by the massive transcontinental Belt and Road Initiative is of particular interest, as well as the regional mechanism for Europe, the 17+1 Cooperation framework, both features of China's "going-out" strategy. We should be aware that this is not as naïve as it may seem, quite the contrary: behind its huge infrastructure projects, China is hiding hegemonic political intentions regarding Europe and the entire world. This becomes all the more evident, considering that the Road and Belt Initiative involve so-called debt-trap diplomacy, a way of subjugating debtor countries that are part of this project. European leaders have particularly

criticised China's approach, calling for a more serious (and unified) European position towards it, taking into account its lucrative tendencies. China's uncontrolled access to Europe by means of the Belt and Road Initiative and the 17+1 Cooperation framework can seriously jeopardise the EU's future activities, especially if the internal fragility and the disunity of the member states will be taken advantage of, thus undermining the EU's role in international relations as one of the pillars of liberal democracy. Hence, the need to create a new strategic culture towards China arises, particularly by means of devising and taking countermeasures in order to defend the EU's constitutive values and interests on the global political stage.

The lack of unity among member states, or the incapability of the EU to create and implement a single supranational policy towards China, can be determined as a trouble spot, fuelled by the destructive bilateralism of some EU member states in their relations with China. This is especially true for Hungary under Viktor Orbán, who strongly and unambiguously supports China's activities, which are in several ways contrary to the EU's interests and the interests of the liberal world order. It is, in fact, Viktor Orbán who has imposed himself as the leader of the "axis of illiberalism" and one of the main warriors against the values of liberal democracy.

Thus arises the need to take measures and countermeasures in order to defend and protect the EU's interests. The present paper focusses particularly on the political instruments which the EU has at its disposal as well as the normative instruments that should be applied as countermeasures for defending the EU's interests against China. The need to create and improve control instruments against China's access to Europe and the EU, especially by direct investments in strategic and key sectors of the EU and its member states, results from the need to control China's economic as well as political influence on Europe.

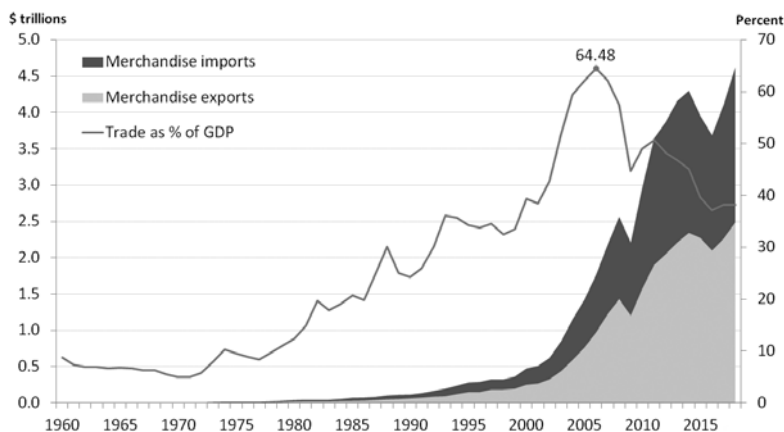
It is more than evident that the rise of China will mark the 21st century, and its establishment on the global political stage will definitely lead to atmospheric changes in international relations. The EU has to create and implement measures and countermeasures directed at providing internal unity among EU member states towards China (thus reducing destructive bilateralism) and at facilitating normative and political mechanisms to systematically deal with China's expansionist ambitions, today and in the future.

SINO-EUROPEAN RELATIONS: STATE OF PLAY AND PERSPECTIVES

China is an international player who will definitely challenge the liberal world order with its military, political and economic power, insisting to take up a key

role in shaping a new system of international relations, even if this should be to the disadvantage of the European Union. Most Europeans agree that China is a rising power, but they do not seem to see that it has already established itself as a relevant global player whose potentials and capacities can no longer be underestimated or even ignored. China has become a power that knows how to deal with the EU and how to manipulate it to its own benefit. This concerns the EU as a whole just as much as its member states, with which China enters into relations of rigid bilateralism. Due to its policy towards the EU as well as other international entities, authors John Fox and François Godement have labelled China's style of action "skilled pragmatism".¹ Chinese foreign policy is first and foremost determined by domestic priorities, such as the need to effectuate sustainable economic growth and to foster the political legitimacy of the Chinese communist leadership (especially establishing Xi Jinping as the inviolable leader of all Chinese, the "second Mao") without carrying out democratic elections (as understood according to Western political concepts). Besides, China's global trade and rising foreign investments as well as its growing financial and technological capacities position it as the "factory of the world" and a key actor on the global political stage, from Africa all the way to Latin America.

Image No. 1. China's trade with the world



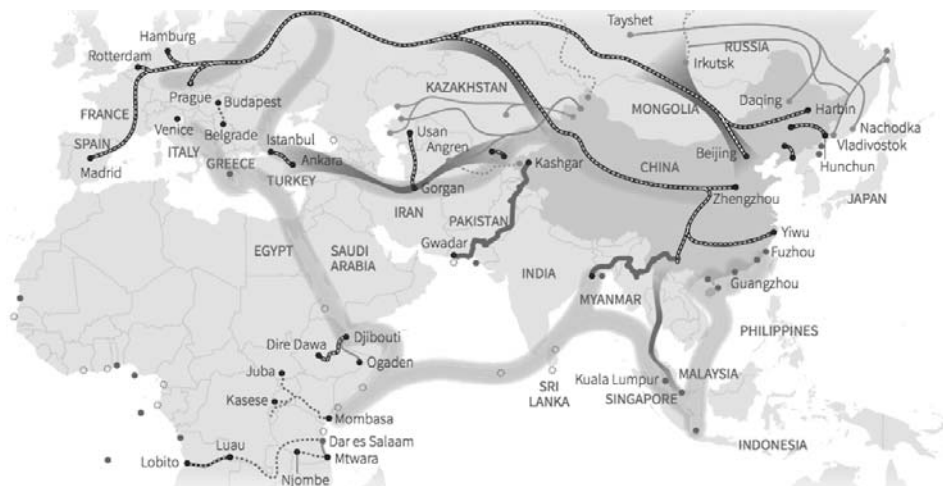
(Source: Lee, Yen Nee. 2019. *Here are 4 charts that show China's rise as a global economic superpower*. CNBC, <https://www.cnbc.com/2019/09/24/how-much-chinas-economy-has-grown-over-the-last-70-years.html> [2019])

China's rise in international relations is also due to its giant project, the so-called Belt and Road Initiative (Image No. 2), which President Xi Jinping is carrying out as the "project of the century". In her book *The Third Revolution: Xi Jinping and the New Chinese State*, Elizabeth Economy states that the final aim of Xi Jinping's revolution is his "Chinese Dream", "the rejuvenation of the great Chinese nation," which means a repeated reaction of the state in China's domestic

1 John Fox & François Godement, *A power audit of EU - China relations*, The European Council on Foreign Relations, London, April 2009, p. 32.

politics and economy, as well as a more ambitious and expansive role in foreign policy.² The Belt and Road Initiative is a strategic means of realising China's and Xi Jinping's global ambitions, claiming the position of a new global centre of power, which finances infrastructure projects "from China's west through Central Asia to the Middle East and Europe".³

Image No. 2. The Belt and Road Initiative



(Source: BRI Updates. 2019. *Belt and Road Initiative explained: how China is looking beyond borders*, <http://www.briupdates.com/research/detail/131334404bc947fdb775bcf39be53775> [2019])

Apart from that, China has established the Cooperation between China and Central and Eastern European Countries, or 17+1 Cooperation framework, initiated by the Chinese Foreign Minister and founded in Budapest in 2012 as 16+1. The aim of the Cooperation framework is to "provide promising opportunities for both China and Europe (...) covering the fields of infrastructure, transportation and logistics, trade and investment, local exchanges and energy (...).⁴ When Greece joined, the framework was re-labelled 17+1.⁵ The participant states hold a summit every year, with previous summits having been held in Dubrovnik (2019), Sofia (2018) Budapest (2017), Riga (2016), Suzhou (2015), Belgrade (2014), Bucharest (2013) and Warsaw (2012).

² Economy, Elizabeth C. 2018. *The Third Revolution: Xi Jinping and the New Chinese State*. Oxford University Press, p. 10

³ Bader, Jeffrey. 2016. *How Xi Jinping Sees the World...and Why*. Brookings: Order from Chaos: Foreign Policy in a Troubled World, Asia Working Group, p. 12, <https://www.brookings.edu/research/how-xi-jinping-sees-the-world-and-why/> [2019]

⁴ 16+1 mechanism set to bolster China-Europe ties. 2018. The State Council China. http://www.china-ceec.org/eng/zdogjzh_1/t1575579.htm [2019]

⁵ The following countries are part of the 17+1 framework: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, North Macedonia, Montenegro, Poland, Romania, Serbia, Slovakia and Slovenia.

We should be aware that, with regard to the EU, China is mainly led by **economic goals and interests**. China needs the open and vast market of the EU, investments, and technology transfers. When it comes to politics, China requires (or will require) the EU to refrain from criticism regarding Taiwan and Tibet, human rights violations, the lack of democracy, as well as other neuralgic points and unsettled issues, or, as Chinese expert Xi Yinong “arrogantly” put it: “China’s demands towards the EU are feasible, limited and realistic.”⁶ However, one could say that, today, the EU’s political significance for China is still minimal, with its interests focused on trade and economic issues, or, as Belgian Foreign Minister Mark Eyskens once said, “Europe is an economic giant, a political dwarf, and a military worm”.⁷ Chinese analyst Feng Zhongping, however, holds that “Brussels is losing its significance, and we must return to the capitals which make the decisions to talk to the member states, at least about trade.”⁸ And according to Chinese academician Pan Wei, “the EU is weak, politically divided, and without military significance. It is an economic giant, but we are not afraid of it anymore, because we know that the EU needs China more than China needs the EU.”⁹ From this statement, we can conclude that China is continuously recognising the power and global influence at its disposal, without even trying to hide it, especially since Xi Jinping took over, while in former times, they consequently acted upon the maxim “hide your strength, bide your time”, according to Deng Xiaoping’s doctrine.¹⁰ The era of Xi Jinping is a time of rise for China as a superpower, intending to finally take its place as a key player on the world’s political stage.

Some compare China’s rise to a “climate change” in world politics: long, slow and pervasive.¹¹ According to this comparison, if the EU’s idealistic perspectives clash with the reality in which China appears and develops, the EU’s power will surely be multiplied by zero. Prof. Xi Yinong has commented on this issue, saying that “power requires arms and boldness”¹² – requirements that the EU does not fulfil. Moreover, its ideological orientation (in the axiological sense) and pacifist fundament (*foedus pacificum*) put the EU in direct contrast to the possibilities and needs regarding its militarisation. Apart from that, the EU has the opportunity and possibility to change the course of its (incoherent) policy if it drafts a new, sustainable and, of course, realistic strategy with regard to China. First of all, that new strategy will have to be directed at completely giving up

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- 6 John Fox & François Godement, *A power audit of EU - China relations*, The European Council on Foreign Relations, London, April 2009, p. 32.
- 7 Elina Viilup, *The EU, Neither a Political Dwarf nor a Military Worm*, THE EU: A TRUE PEACE ACTOR? Peace in Progress May 2015, p.1, <http://www.icip-perlapau.cat/numero23/pdf-eng/Per-la-Pau-n23-ac-2.pdf> [2019]
- 8 John Fox & François Godement, *A power audit of EU - China relations*, The European Council on Foreign Relations, London, April 2009, p. 32.
- 9 Ibid. p. 3.
- 10 Clover, Charles. 2017. *Xi Jinping signals departure from low-profile policy*. Financial Times. <https://www.ft.com/content/05cd86a6-b552-11e7-a398-73d59db9e399> [2019]
- 11 Joseph Marks, *The Cyber security 202: U.S. officials: It’s China hacking that keeps us up at night*. The Washington Post. March 6. <https://www.washingtonpost.com/news/powerpost/paloma/the-cybersecurity-202/2019/03/06/the-cybersecurity-202-u-s-officials-it-s-china-hacking-that-keeps-us-up-at-night/5c7ec07f1b326b2d177d5fd3/> [2019]
- 12 Charles Grant with a response by Robert Cooper, *Is Europe doomed to fail as a power?* Centre for European reform (CER) July 2009, p. 11.

the long-standing policy of “unconditional engagement”.¹³ Instead, it should be reduced to the key areas of cooperation; a kind of gradual policy for advancing mutual political cooperation with a high level of caution. Although the EU insists that China be “annoyed” with a handful of norms, provisions and duties with the aim of taming and transforming it, China will not allow to “fall prey” to EU norms and to be that easily “democratised”, even more so since Beijing is continually increasing control over Chinese companies and seriously reducing and restricting political rights and freedoms, such as the following:

restrictions against NGOs, pressure over dissidents, halting the reforms on local elections. Beijing has created a firm coalition in the General Assembly of the United Nations, which is often activated to oppose European values such as human rights protection. Although China has clearly stated that climate change is a huge problem which mankind is facing, it does not intend to accept compromise to its economic growth because of that.¹⁴

Meanwhile, on February 1st 2020, new totalitarian laws to subordinate all religions to the Chinese state will enter into force, or, as an anonymous Chinese catholic priest expressed it: “In practice, your religion no longer matters, if you are Buddhist, or Taoist, or Muslim or Christian: the only religion allowed is faith in the Chinese Communist Party.”¹⁵ Accordingly, it would be useless for the European political elites to hope that the EU, as a soft and normative power,¹⁶ will succeed in quietly transforming and “democratising” China by promoting and transferring the values of liberal democracy, market economy and environmental protection. At the same time, having in mind the massive rise and global ambitions of China, it will not allow to be manipulated by anyone, least by the fragile and divided EU.

Compared to the EU, China has several advantages. First, it has a centralised state machinery at its disposal for exploiting the open European market, while it can make use of administrative measures in order to close its own national market for foreign investors, or, in the words of a European diplomat: “The party structure of power can control whatever it wants, but not everything, since the Party is very good at choosing what to control”.¹⁷ Second, China directs the pressure over the EU along certain issues, such as human rights, and accepts formal dialogue on those issues, which it later turns into meaningless talks.¹⁸ And third, China takes massive advantage of the division among EU member states on crucial questions, and it acts with extraordinary rudeness or pressure towards

¹³ John Fox & François Godement, *A power audit of EU - China relations*, The European Council on Foreign Relations, London, April 2009, p. 19.

¹⁴ Ibid.

¹⁵ Wang Zhicheng, *New administrative measures for religious groups: total submission to the Chinese Communist Party*. AsiaNews.it, 2019, <http://www.asianews.it/news-en/-New-administrative-measures-for-religious-groups-total-submission-to-the-Chinese-Communist-Party-%E2%80%8B-48919.html>[2020]

¹⁶ Ian Manners, *Normative power Europe: a contradiction in terms?* *Journal of common market studies*, 40(2)2002: 235-258. p. 33

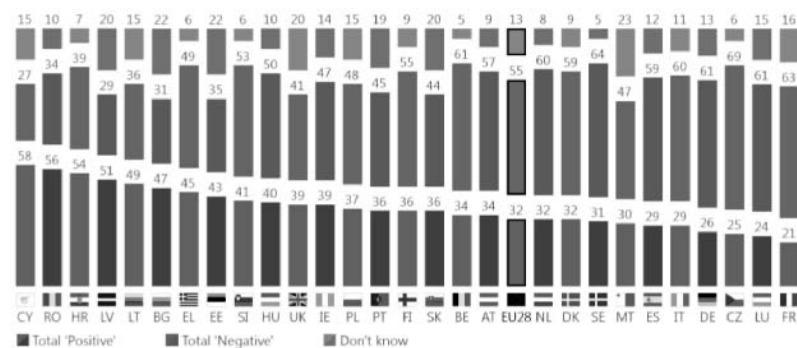
¹⁷ John Fox & François Godement, *A power audit of EU - China relations*, The European Council on Foreign Relations, London, April 2009, p. 19.

¹⁸ Ibid.

any of the member states if its national interests are at stake. The EU will have to adopt a cautious, determined and coherent position in order to deal with China in the future, being aware of its own weaknesses, especially internal division, fragility in the field of political security, and military underdevelopment.

Anyway, China cannot directly “attack” the EU, but it can use diplomatic traps (“debt-trap diplomacy”)¹⁹ instead of military or political means. China can take advantage of the EU’s fragility and foster its own bilateral relations, especially with authoritarian or illiberal political elites in EU member states, such as Viktor Orbán’s Hungary or Miloš Zeman’s Czech Republic. It is important to mention that, in those member states, the citizens’ preferences are opposed to their political leaders’ “fan-like” attitudes towards China, which is especially true for Hungary, where Viktor Orbán presents himself as the greatest supporter of China and its activities.²⁰ According to the Eurobarometer Special Report (467) from 2017, in only seven countries a majority of respondents had a positive attitude towards China, among which were Cyprus (58%), Romania (56%), Croatia (54%), and Latvia (51%). On the other hand, a negative attitude was predominant in France (21% of respondents with a positive attitude), Luxembourg (24%), and the Czech Republic (25%) (Image No. 3). In Hungary, no more than 40% of the respondents stated that they have a positive attitude towards China. This is not to say that the citizen support is negligible, but that it does not correspond with the intensity of the Hungarian political leadership’s support.

Image No. 3. View of EU member states’ citizens about China



(Source: Special Eurobarometer 467, *Future of Europe Report*, 2017, p. 81, <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2179> [2019]).

19 “Debt-trap diplomacy” is where a creditor country intentionally lends excessive credit to a smaller debtor country, with the intention of extracting economic or political concessions when the smaller country cannot service the loan.” For more details, see: Doherty, Ben, *Experts dispel claims of China debt-trap diplomacy in Pacific but risks remain*. The Guardian. 2019 <https://www.theguardian.com/world/2019/oct/21/chinese-loans-expose-pacific-islands-to-risk-of-unsustainable-debt-report-finds> [2019]

20 Matura, Tamas, *China and CEE: 16+1 is here to stay*. Emerging Europe, 2019, <https://emerging-europe.com/voices/china-and-cee-16-1-is-here-to-stay/> [2019]

THE EUROPEAN UNION: SECURITY AND COUNTERMEASURES?

The “immune system” of the EU should contain a set of instruments and relations to prevent or eliminate the negative influence of China on Europe (having in mind the Belt and Road Initiative and the 17+1 Cooperation framework), the EU, and its member states. Of course, that cannot be done by an “impenetrable wall”, but rather a “protective barrier”, which is still rudimentary, but will have to grow faster. French President Emmanuel Macron stated that “the period of European naïveté is over. (...) The relationship between the EU and China must not be first and foremost a trading one, but a geopolitical and strategic relationship”,²¹ since the Chinese project could very easily make China’s partners become “vassal states”.²² Fearing Chinese hegemony, the Dutch Government stated that coherence, unity and compromise should be the key concepts for drafting the EU’s new China policy.²³ However, notwithstanding all its specifics and weaknesses, the EU has to protect its core values as achievements of civilisation. Hence, the question of the EU’s internal coherence and cohesion arises as a vital issue for its future as an entity and the “quality” of its relations with China. In order to protect its core values, the EU has various options to act, i.e. to defend itself against China’s hidden ambitions to provoke a political spill-over by means of tools from the field of trade and economy (direct investments in strategical and key spheres of the EU and its member states) and to impose its political influence. The final aim of the latter would be to exert pressure on the EU so that it would “give in” and tolerate China’s activities, especially its violation of human rights, its internal democratisation processes, and its support for military juntas and autocratic regimes around the world (particularly in Africa).

In the context of the above mentioned, there are two types of protection: **formal (normative) and informal (political) protection.** The most severe (but not the most efficient) tool of formal protection is Regulation (EU) 2019/452 on “establishing a framework for the screening of foreign direct investments (FDI) into the Union”.²⁴ This regulation qualifies as an instrument to establish additional institutional protection in the framework of the EU’s Common Commercial Policy, and especially “to pay attention to the investments that are strange, that do not make economic sense but are political”.²⁵ But one should not expect too much from this screening, given that it is mainly a coordination

21 Blenkinsop, Philip and Emmott, Robin, *EU leaders call for end to ‘naivety’ in relations with China*. Reuters, 2019, <https://www.reuters.com/article/us-eu-china/eu-leaders-call-for-end-to-naivety-in-relations-with-china-idUSKCN1R31H3> [2019]

22 Andrew Chatzky and James McBride, *China’s Massive Belt and Road Initiative*, Council on Foreign Relations, <https://www.cfr.org/background-er/chinas-massive-belt-and-road-initiative> [2019]

23 Van der Eijk, Femke and Gunavardana, Angela Pandita, *The Road that divided the EU: Italy joins China’s Belt and Road Initiative*. European Law Blog, 2019, <https://europeanlawblog.eu/2019/06/25/the-road-that-divided-the-eu-italy-joins-chinas-belt-and-road-initiative/> [2019]

24 *Regulation (EU) 2019/452 of the European Parliament and of the Council*. <https://eur-lex.europa.eu/eli/reg/2019/452/oj> [2019]

25 Blenkinsop, Philip and King, Larry, *With eyes on China, EU lawmakers back investment screening*. Reuters, 2019, <https://www.reuters.com/article/us-eu-china-investment/with-eyes-on-china-eu-lawmakers-back-investment-screening-idUSKCN1Q31JU> [2019]

and cooperation tool. Meanwhile, the EU has no single centralised (or federal) FDI screening mechanism on grounds of “security or public order. FDI screening is the exclusive responsibility of EU Member States under EU law, and national security exceptions under international law.”²⁶ The screening procedure foresees controlling the investments based on the following three criteria, which have a potential impact on “security and public order”:

1. investments into critical and sensitive sectors (such as 5G networks²⁷);
2. investments as a part of “state-led outward projects” (investments by private or public companies with direct or indirect state support);
3. investments by entities that are controlled by the state (since 2000, 60% of all Chinese FDI into the EU have come from state entities).²⁸

Articles 11 and 12 of Regulation (EU) 2019/452 stipulate that “contact points” and an “expert group” be established for the screening mechanism in order to exchanges opinions on trends and issues of mutual interest related to FDI.²⁹ Article 2 (3) defines the screening process as follows: “procedure allowing to assess, investigate, authorize, condition, prohibit or unwind foreign direct investments.”³⁰ However, regardless of the large amount of FDI covered by this policy, the impact on Chinese direct investments will be very low because transactions cannot be blocked at EU level, but only at the level of member states, which makes this instrument strictly intergovernmental. Nevertheless, screening policies of certain EU member states and their attitude towards Chinese direct investments will be more decisive in determining FDI levels.³¹ The Mercator Institute for China Studies stated that “if the screening framework had been in place in 2018 – as much as 83 percent of all Chinese investment over EUR 1 million (US\$1.12 million) could have been investigated under the regime [of Regulation 2019/452]”.³² Anyway, according to Joseph Percy, “the EU-wide screening regime is an achievement of EU unity”³³. Nevertheless, the challenge for the EU is “to stay true to its open market principles while developing smarter measures in order to avoid seeing those same principles being turned into a

26 Grieger, Gisela. 2019. *EU framework for FDI screening*. European Parliament: EU Legislation in Progress. p. 1, [http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2018\)614667](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2018)614667) [2019]

27 “A range of EU instruments, including the Network and Information Security Directive, the recently approved Cybersecurity Act, 10and the European Electronic Communications Code will allow reinforcing cooperation in addressing cyber-attacks and enable the EU to act collectively in protecting its economy and society. The Commission will adopt a recommendation following the European Council for a common EU approach to security risks to 5G networks, building on a coordinated EU risk assessment and risk-management measures, an effective cooperation and exchange of information framework, and joint EU situational awareness covering critical communication networks.” In: Joint Communication To the European Parliament, the European Council and the Council: *EU-China – A strategic outlook*, European Commission, JOIN(2019) 5 final, Strasbourg 2019, pp. 9-10.

28 Percy, Joseph. 2019. *Investment Screening in the EU: Impact on Chinese FDI*. China Briefing. <https://www.china-briefing.com/news/investment-screening-eu-impact-chinese-fdi/> [2019]

29 *Regulation (EU) 2019/452 of the European Parliament and of the Council*. <https://eur-lex.europa.eu/eli/reg/2019/452/oj> [2019]

30 *Ibid.*

31 *Ibid.*

32 Percy, Joseph, *Investment Screening in the EU: Impact on Chinese FDI*. China Briefing, 2019, <https://www.china-briefing.com/news/investment-screening-eu-impact-chinese-fdi/> [2019]

33 *Ibid.*

strategic vulnerability.”³⁴ Namely, implementing the Regulation should not violate the core principles of the European Single Market and thus diminish its attractiveness for potential foreign investors. The screening should allow to reveal the intentions of potential investors and to detect whether investments have a political (or strategic) background (and thus be refused) or are purely directed at economy and trade (and thus be approved).

With regard to informal protection measures, the EU has to reaffirm its core values in order to benefit their integrating power and to rise the member states’ awareness of how important unity is for the EU. In this respect, there is a problem with some member states, particularly Hungary, which is openly calling for a revision of the global and European liberal system and its replacement by an illiberal (autocratic) value system. Those states’ bilateral initiatives with China diverge from the EU’s core values. However, it is notable that this feature is only found in the political elites of the states in question, but does not match their citizens’ preferences, as we can see from Image No. 3.

The political elites of the EU, especially the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy have to take proactive measures when they are dealing with the member states in order to reach a consensus and achieve coherence regarding the most important strategic issues in the EU’s interest. Those political elites have to work together, with the aim to “increase cohesion within the [EU] (...) [And thus,] to provide the EU with a distinct identity”³⁵ as a single global actor. And of course, the European version of the “prison dilemma”³⁶ has to end, and the member states have to start to “better share the responsibility for the protection of European interests in sensitive, strategic and critical sectors, such as international law, border and maritime issues, military cooperation, modern technologies, etc.”³⁷ Namely, the member states have to provide “better control at the common level, not at the level of the member states. Europeans have to attain greater cohesion and coherence with regard to military diplomacy between Europe and China, which is now suffering from dispersed initiatives of member states.”³⁸ That is to say, the member states have to establish a common foreign policy based on common goals and interests, first of all taking into account the interests of the EU as a whole (concerning its values and its existence), and not at a fragmented, member state level. Or, in Hans Maull’s

34 *Foreign Investment Screening and the China Factor New protectionism or new European standards?*. 2017. Rasmussen Global, p. 6, <https://rasmussenglobal.com/media/foreign-investment-screening-china-factor-memo> [2019]

35 Grajauskas, Rokas, *Federal Europe: A Postmodern Force in International Relations?*. The Federalist Debate, Published in Year XXIV, Number 2, July 2011.

36 François Godement and Abigaël Vasselier, *China at the Gates a new power audit of EU-China Relations*, ECFR December 2017, p. 91

37 Ibid.

38 Ibid.

words: “a truly common foreign and security policy (...) requires that national and European policies (...) be effectively aligned around the same objectives.”³⁹

| CONCLUSION

The rise of China within the new international system is characterised by its growing trade and economic performance and its clear statement of interest to “surround” the world with its direct investments in strategic sectors, sophisticated technologies and critical infrastructure (ports and free sea routes, roads, 5G networks, etc.). However, behind China’s aspirations in economy and trade, represented by the gigantic Belt and Road Initiative and the smaller (but not less significant) 17+1 Cooperation framework, there can be a political background or “hidden agenda”. China could be trying to achieve political goals and interests by means of economic and trade initiatives as a new global hegemonic power, as its “debt-trap diplomacy” seems to be indicating, with the goal for partner countries to become highly indebted to China and then to extract concessions or justification of its own political activities, which they otherwise would not tolerate or permit. The EU, meanwhile, is in a highly complex situations, torn between the national interests of its member states (especially those ones who have close ties with China), political indefiniteness, and the lack of own army which would guarantee its security, defence and global interests.

But are there countermeasures for protecting the EU’s interests?

Notwithstanding its own weaknesses and shortcomings, the EU will still have to foster its cooperation with China, especially in the sphere of human rights (where China is very weak), peace, security, and global prosperity. And of course, the cooperation should be based on the principle of reciprocity, as a condition for advancing mutual relations, avoiding the possibility of one side being made dependent or put under pressure (this particularly concerns the EU). John Fox and François Godement have put it as follows:

Overcoming disunity [within the Union itself] and focusing on relations with China with a small number of priorities has to turn into the new approach to this state. Idle assumptions on the convergence of interests and values between Europeans and Chinese will have to be rejected, and the Union will have to practice a [new] approach, motivated by its own interests concerning China. We prefer to call this strategy *reciprocal engagement*.⁴⁰

³⁹ Greicevci, Labinot, *EU Actorness in International Affairs: The Case of EULEX Mission in Kosovo*. Routledge: Perspectives on European Politics and Society Vol. 12, No. 3, 283–303, p. 285, http://www.europarl.europa.eu/meetdocs/2009_2014/documents/afet/dv/201/201205/20120530_article_eulex_1_en.pdf [2019]

⁴⁰ John Fox & François Godement, *A power audit of EU - China relations*, The European Council on Foreign Relations, London, April 2009, p. 52.

We have discussed two categories of countermeasures or possible levels of protecting European interests. The formal or normative level of protection is represented by Regulation (EU) 2019/452 on establishing a framework for the screening of foreign direct investments (FDI), especially FDI with a rather political than economic background which lead or could lead to a political penetration into the EU and its possible (future) confrontation with certain conditions induced by indebtedness. We have to be aware that the Regulation does not stipulate the establishment of a centralised (or federal) EU screening system, but rather leaves it mainly in the hands of the member states, which directly and in coordination with the EU have to provide a fast, comprehensive and efficient implementation of the Regulation.

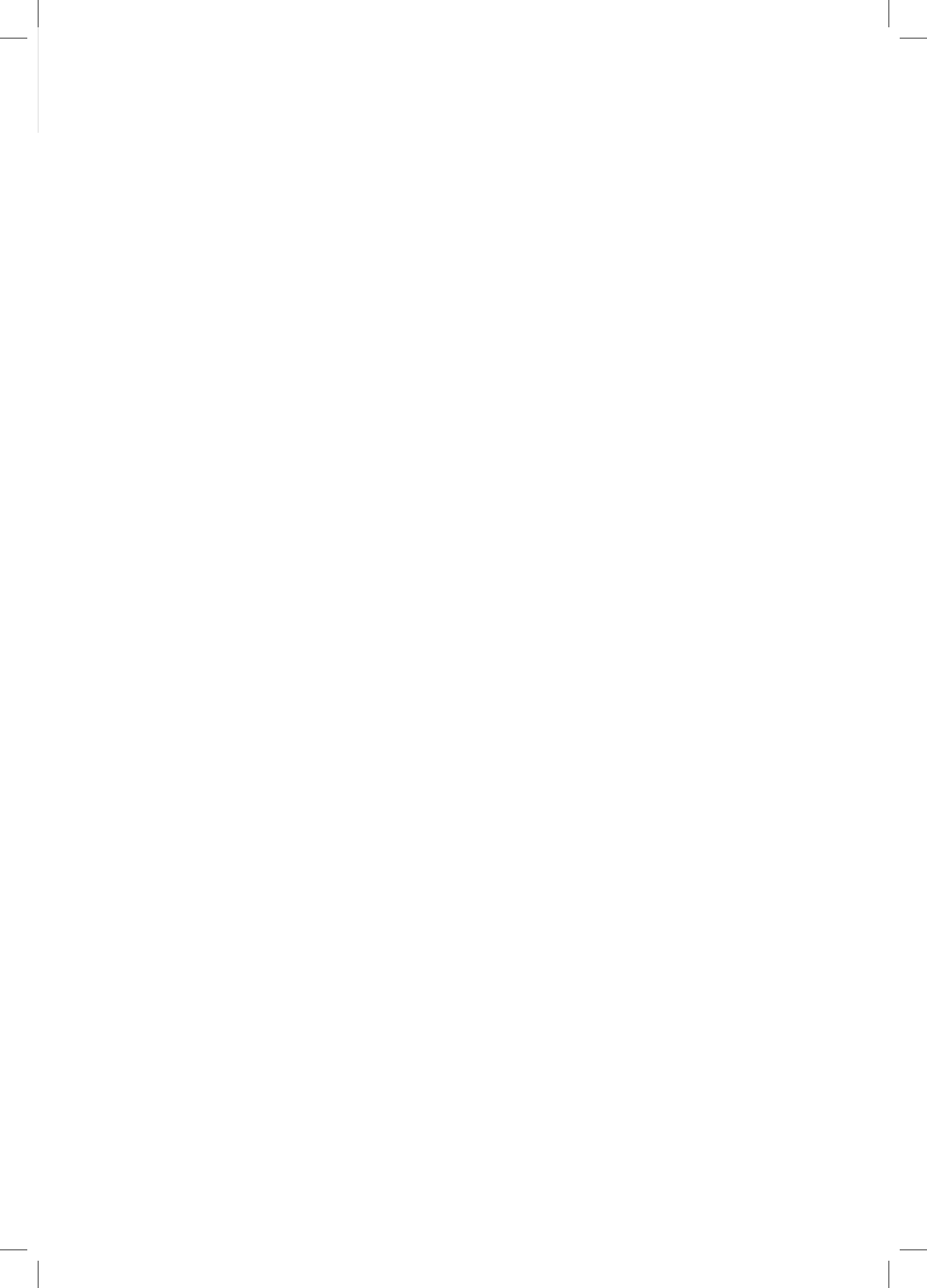
Regarding the informal or political protection mechanisms, we have to stress the need of reaffirming the EU's fundamental values and effectuating its integrating power, with the aim of fostering its unity and coherence. According to the Treaty of Lisbon, the President of the European Council and the High Representative of the Union have to play the key role, since they possess crucial competencies in the sphere of foreign, security and defence policy. The aim of all these efforts is to facilitate shaping a unified EU position on strategic and critical issues and thus to form a common approach in international relations, especially towards China.

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Short Biography



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Изворна научна статија
УДК: 342.534:172.2

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THE ETHICAL CODE FOR MEMBERS OF PARLIAMENT AS AN INSTRUMENT FOR FIGHTING POLITICAL CORRUPTION

INTRODUCTION

Parliamentary democracies highly depend on the trust of voters in the representatives they elect to represent their interests in the best possible way. However, during the last ten years, we have witnessed an increase in citizens' distrust towards the institutions of democracy, including national parliaments. The latter, as the main representation of citizens' interests, are not immune to such perceptions. According to the latest Eurobarometer research from autumn 2018,¹ a majority of EU citizens does not trust their national parliaments (with the average support amounting to only 35%). Distrust towards parliaments is as high as 58%, which is 2 percentage points lower than in spring 2018.²

- 1 European Commission. Directorate-General for Communication. *Standard Eurobarometer 90 - Public Opinion in the European Union: First Results*. Brussels, Autumn 2018 <<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/84930>>, viewed 17. 12. 2019
- 2 European Commission. Directorate-General for Communication, op. cit. p. 5

We have recently witnessed many political scandals and cases of corruption³ in which members of parliament have been involved, which adds to public distrust. National parliaments are more and more often considered an essential factor in the efforts for fighting political corruption and promoting integrity. The legislative power's political control and oversight over the executive power puts the former in a privileged position, which, however, entails great responsibility towards all other political institutions. The parliament's special role is particularly important in times of decreasing trust in public institutions and growing disappointment concerning political integrity.

The paper at hand starts from the assumption that the contribution of parliaments to the struggle against corruption highly depends on the professionalism and integrity of their members. Based on their position within society, members of parliament (MPs) are permanently facing ethical dilemmas and opportunities to take advantage of their position, so that their integrity is being put to the test. Since integrity depends on the choices and dilemmas they are confronted with on a daily basis, it is obvious that a deontological regulation of the profession is necessary. It seems that, today, MPs need a moral compass of ethical standards and rules in their work environment more than ever – a compass to help them make decisions.

The research dilemma of the present study is concentrated in the following question: are ethical codes useful instruments or merely cosmetic makeup in the struggle against corruption? I think that ethical codes can help MPs to acknowledge (in)acceptable forms of conduct, provide them with answers to questions related to conflicts of interest as well as accepting presents, and that they can help create a professional environment which does not tolerate unethical behaviour. The goal of adopting ethical codes is to contribute to the promotion of high standards of integrity in parliaments by establishing ethical principles of conduct for MPs.

The present paper gives a chronologic overview of international documents that promote measures in the struggle against corruption within state institutions (focusing on parliaments) and ethical standards of conduct for MPs. In many states, such rules are contained in the constitution, laws (on issues related to conflicts of interest, the struggle against corruption, the declaration of assets), provisions of the rules of procedure, and other legal documents. However, during the last ten years, a trend to adopt special ethical codes on the MPs' conduct has been spreading to many countries.

³ One of the most well-known cases of parliamentary corruption was the so-called cash for influence scandal. Namely, the European Commission's Anti-fraud Office (OLAF) instigated corruption proceedings against four Members of the European Parliament (MEPs) based on them being suspected of taking bribes from Sunday Times journalists who had pretended to be lobbyists and offered money in return for changes of the legislation. As a result, three MEPs resigned and were imprisoned.

The aim of the study at hand is to carry out a comparative normative analysis of the content of legal documents that regulate ethical rules, with special research focus on ethical principles, types of institutions responsible for their promotion and implementation, as well as possible sanctions for violating the rules.

As the Republic of North Macedonia, too, adopted a Code of Ethics for Members of Parliament in 2018,⁴ the paper presents a normative and political analysis of its content as well as suggestions for its improvement.

THE CODE OF CONDUCT AS AN INSTRUMENT IN THE STRUGGLE AGAINST CORRUPTION AT INTERNATIONAL LEVEL

Even though there is no international framework for the regulation, adoption and implementation of ethical standards for members of parliaments, there have been serious efforts to codify many important principles of parliamentary conduct during the last twenty years, as an attempt at including them into a broader framework of international good governance practices.

In the following, you will find a chronologic overview of some of the most important documents on ethical principles of parliamentary conduct adopted by international organisations. A growing international sensibility towards ethical standards of conduct for MPs and the need to promote anti-corruption measures in parliaments is noticeable.

In 1996, the United Nations adopted Resolution 51/59 on Action against corruption,⁵ which then became an international guideline for the conduct of public officials (including members of parliament) and a tool in the struggle against corruption.

As soon as the following year, the Council of Europe adopted Resolution (97) 24 on the Twenty Guiding Principles for the Fight Against Corruption. The 15th principle reads: “to encourage adoption, by elected representatives, of codes of conduct and promote rules for the financing of political parties and election campaigns which deter corruption”.⁶

In the year 2000, the Parliamentary Assembly of the Council of Europe adopted Resolution 1214 on the Role of parliaments in fighting corruption, emphasising the “notion that parliamentarians have a duty not only to obey the letter

4 Code of Ethics for Members of Parliament of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia,” No. 109/2018) <<http://www.slvesnik.com.mk/Issues/bf31aa69c19a4238aae2659b7afaa3a0.pdf>>, viewed 15. 12. 2019

5 UN General Assembly. *A/RES/51/59. Action against corruption*. New York, 1996. The resolution is available at <<https://digitallibrary.un.org/record/231078/>>, viewed on 17. 12. 2019

6 Council of Europe. *The Twenty Guiding Principles for the Fight Against Corruption*. Committee of Ministers Resolution (97) 24. 1997 <<https://rm.coe.int/16806cc17c>>, viewed 17. 12. 2019

of the law, but to set an example of incorruptibility to society as a whole by implementing and enforcing their own codes of conduct.”⁷

In 2006, the Parliamentary Assembly of the OSCE in its Brussels Declaration⁸ stated that good governance (especially by national parliaments) is of fundamental importance for the healthy functioning of democracy. To ensure that persons in public functions adhere to certain ethical standards, the Parliamentary Assembly encourages all parliaments of OSCE states to:

- “a) develop and publish rigorous standards of ethics and official conduct for parliamentarians and their staff;
- b) establish efficient mechanisms for public disclosure of financial information and potential conflicts of interests by parliamentarians and their staff;
- c) establish an office of public standards to which complaints about violations of standards by parliamentarians and their staff may be made;
- d) establish effective and timely procedures for investigating such complaints and for taking disciplinary action against parliamentarians and their staff when complaints are upheld.”⁹

Similar appeals to adhere to standards of conduct for MPs can be found in the Code of Conduct¹⁰ drafted and adopted by the Inter-Parliamentary Union¹¹ in 2012.

In September 2006, the Global Organisation of Parliamentarians against Corruption (GOPAC) decided to establish a working group on ethics and conduct. The *Handbook on Parliamentary Ethics and Conduct: A Guide for Parliamentarians*¹² developed by GOPAC and the Westminster Foundation for Democracy (WFD) provides reform-oriented parliamentarians with clear and useful guidelines for drafting efficient codes of conduct for MPs.

In 2012, the Group of States against Corruption (GRECO)¹³ within the Council of Europe, the body responsible for monitoring the compliance of states with the Council’s anti-corruption standards, initiated the fourth round of evaluation, focusing on members of parliament, judges and prosecutors. In all evaluated

7 Parliamentary Assembly of the Council of Europe. *The Role of Parliament in Fighting Corruption*, Resolution 1214 (2000). <<https://goo.gl/j1ozQR>>, viewed 17. 12. 2019

8 OSCE Parliamentary Assembly. *Brussels Declaration of the OSCE Parliamentary Assembly*. 2006 <<https://www.osce.org/pa/19799?download=true>>, viewed 17. 12. 2019

9 OSCE Parliamentary Assembly, op. cit. p. 34

10 Inter-Parliamentary Union. *Code of Conduct for IPU Personnel*. 2012 <<http://archive.ipu.org/cnl-e/191/code.pdf>>, viewed 17. 12. 2019

11 The Inter-Parliamentary Union is an international organisation of parliamentarians and a global dialogue platform.

12 Power, Greg. *Handbook on Parliamentary Ethics and Conduct: A Guide for Parliamentarians*. Westminster Foundation for Democracy and GOPAC. 2010 <http://gopacnetwork.org/Docs/PEC_Guide_EN.pdf>, viewed 17. 12. 2019

13 For details, see <<https://www.coe.int/en/web/greco>>, viewed 17. 12. 2019

states, GRECO is concerned with raising awareness about the necessity for parliamentarians to have a set of common standards and guidelines on ethical standards and conduct, recommending that such standards be publicly released wherever adopted.

Based on the aforementioned documents and established standards, the OSCE and ODIHR published a background study on *Professional and Ethical Standards for Parliamentarians*¹⁴ in 2012, a comprehensive and practical publication that analyses how to build and reform systems of professional and ethical standards for MPs.

CODES OF CONDUCT FOR MEMBERS OF PARLIAMENT: SITUATION, COMPARATIVE ANALYSES AND PERSPECTIVES

As we have seen, the past twenty years have been marked by attempts at codifying important international principles and standards for the conduct of public officials, prominently including MPs. Following that trend, the interest in adopting ethical rules and principles of professional conduct for parliamentarians started to grow. National parliaments increasingly expressed their concern about the professionalism and integrity of their members, often as a consequence of political scandals or corruption trials they had been confronted with. During the last few years, several types of international documents containing common democratic norms and standards for parliaments have been published. Many national parliaments have started to take concrete measures in order to establish ethical values and principles that contribute to familiarising MPs with ethical conduct.

As you can see from Chart No. 1 (Annex A: Chart No. 1: Number of parliaments of OSCE member states that have adopted a code of conduct), by 2016, 24 parliaments had adopted an ethical code. Based on the fact that the OSCE has 57 member states, less than 50% of them have adopted a code of conduct. However, more interestingly, we can see from the same chart that 19 out of those 24 codes were adopted after 2002. Furthermore, nearly half of the total number of codes was adopted after 2012 (11 out of 24 during the last five years). Meanwhile, even if the trend of adopting codes of conduct is notable, many states still do not have one. From the underlying study¹⁵ prepared for the OECD Global Anti-Corruption and Integrity Forum in 2017, we can see that 10 out of 24 codes of conduct were adopted and included into existing regulations as part of the parliaments' rules of procedure. In some cases, this was done by amending the rules to include a new set of ethics standards and provisions. In other cases,

14 OSCE/ODIHR. *Background study: Professional and Ethical Standards for Parliamentarians*. Warsaw, 2012. <<https://www.osce.org/odihr/98924?download=true>>, viewed 17. 12. 2019

15 Leone, Jacopo. *Codes of conduct for national parliaments and their role in promoting integrity*. OECD, 2017

the codes of conduct were adopted as a special annex. Another form of adoption was by parliamentary resolution, as was the case with eight national parliaments, whereas another four parliaments adopted the rules of conduct by means of declaration (see Annex B: Table No. 1: OECD member states in which at least one chamber of the national parliament has adopted a code of conduct for MPs).

The study also focuses on the mechanisms for monitoring violations of the rules, investigation on inappropriate conduct, and penalties. Out of the three possible mechanisms for monitoring and implementing codes of conduct: self-regulation, co-regulation and external regulation, a majority of the parliaments (17 out of 24) opted for self-regulation. As we can see from Table 1, those parliaments usually establish a special working body (committee) responsible for reporting, investigation and penalties for MPs who have violated the code of conduct. Another type of internal supervision includes the president of the parliament or his/her cabinet monitoring the implementation of the code (Germany, Finland, Iceland, Malta and Sweden).

For the paper at hand, the content of ethical codes of selected EU member states and Western Balkan states was analysed. In the following, we present an overview of the findings from the analysis of twelve ethical codes for MPs, including those of seven EU member states (the United Kingdom,¹⁶ France,¹⁷ Germany,¹⁸ Latvia,¹⁹ Malta,²⁰ Poland,²¹ Scotland²²), those of four Western Balkan states (Bosnia and Herzegovina,²³ Montenegro,²⁴ Kosovo²⁵ and North Macedonia²⁶), as well as the European Parliament.²⁷ (See Annex B: Table No. 2: Overview of the main findings of the study: Analysis of the contents of the codes of conduct of selected EU and Western Balkan states).

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- 16 House of Commons. *The Code of Conduct*. London, 2018. <https://publications.parliament.uk/pa/cm/201719/cmcode/1474/147402.htm#_idTextAnchor000>, viewed 16. 12. 2019
- 17 Assemblée nationale. *Code de déontologie des députés* <<http://www2.assemblee-nationale.fr/content/download/25883/244571/version/5/file/code-deontologie.pdf>>, viewed 16. 12. 2019
- 18 Deutscher Bundestag. *Rules of the Procedure of the German Bundestag and Rules of the Procedure of the Mediation Committee*. Berlin, 2014 p. 101 - 114 <<https://www.btg.bestellservice.de/pdf/80060000.pdf>>, viewed 16. 12. 2019
- 19 Latvijas Republikas Saeima. *Rules of Procedure of the Saeima*. Riga, 1994 <https://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Latvia_Saeima%20Rules%20of%20Procedure_1994_EN.pdf>, viewed 16. 12. 2019
- 20 PARLAMENT TA' MALTA. *Code of Ethics of Members of the House of Representatives*, 1995 <http://europam.eu/data/mechanisms/FD/FD%20Laws/Malta/Malta_Code%20of%20Ethics%20of%20Members%20of%20Parliament_1995.pdf>, viewed 16. 12. 2019
- 21 Parliament of Poland. *Principles of Deputies' Ethics – Resolution of the Sejm of the Republic of Poland of 17 July 1998* <http://transparency.ee/cm/files/zasady_etyki_poselskiej_wersja_angielska.pdf>, viewed 16. 12. 2019
- 22 The Scottish Parliament. *The Code of Conduct for the Members of the Scottish Parliament. 2017* <<https://www.parliament.scot/Parliamentaryprocedureandguidance/CCEd07201708.pdf>>, viewed 16.12. 2019
- 23 Parlamentarna Skupština Bosne i Hercegovine. *Kodeks ponašanja poslanika i delegata u Parlamentarnoj Skupštini Bosne i Hercegovine*. Sarajevo, 2015. <[https://www.parlament.ba/data/dokumenti/pdf/vaznijij%20propisi/Kodeks%20pona%C5%A1anja%20poslanika%20i%20delegata%20u%20Parlamentarnoj%20skup%C5%A1tini%20Bosne%20i%20Hercegovine%20\(2015.%20godina\)%20bs.pdf](https://www.parlament.ba/data/dokumenti/pdf/vaznijij%20propisi/Kodeks%20pona%C5%A1anja%20poslanika%20i%20delegata%20u%20Parlamentarnoj%20skup%C5%A1tini%20Bosne%20i%20Hercegovine%20(2015.%20godina)%20bs.pdf)>, viewed 17.12. 2019.
- 24 Skupština Crne Gore. *Etički kodeks poslanika*. 2014 <<http://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/640/516-3526-00-71-14-3-9.PDF>>, viewed 17. 12. 2019
- 25 Republic of Kosovo Assembly. *Rules of Procedure of the Assembly of the Republic of Kosovo*. Pristina, 2010. p. 55 -56 <http://www.kuvendikosoves.org/Uploads/Data/Files/6/Rr_K_RK_29_04_2010_1_EDbu8aqXvd.pdf>, viewed 17. 12.2019
- 26 Code of Ethics for Members of Parliament of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia," No. 109/2018) <<http://www.slvnesnik.com.mk/Issues/bf31aa69c19a4238aae2659b7afaa3a0.pdf>>, viewed 15. 12. 2019
- 27 European Parliament. *Code of Conduct for Members of European Parliament with respect to financial interests and conflict of interests* <http://www.europarl.europa.eu/pdf/meps/201305_Code_of_conduct_EN.pdf>, viewed 16. 12. 2019.

State parliaments started drafting and adopting codes of conduct as a common measure for codifying professional and ethical standards for MPs. While most codes of conduct are separate documents, some parliaments have annexed them to their rules of procedure.

Notably, many parliaments have adopted the seven ethical principles of public life²⁸ (selflessness, integrity, objectivity, accountability, openness, honesty, and leadership) included in the British ethical code in different forms.

Responsible bodies vary. Some parliaments have advisory boards, some appoint commissioners or other officials responsible for the advisory role with regard to how the code should be applied. However, in most parliaments that function is carried out by one of its committees (working bodies). Interestingly, in some parliaments, the speaker or president himself/herself is the guardian of ethical principles, thus adding emphasis to the endeavour.

With regard to violations of the code, too, the comparative analysis shows that the parliaments have adopted various kinds of sanctions, from their lack (France, Malta, Kosovo) to (temporary) loss of rights²⁹ by means of suspension (Scotland, the European Parliament, United Kingdom). Monetary penalties are an additional form of sanctions (Bosnia and Herzegovina, Poland, Germany, United Kingdom). However, our analysis shows that a reprehension is the most frequent type of sanction for violating the code of conduct. A reprehension can be combined with other sanctions (Montenegro, Bosnia and Herzegovina, Germany, the European Parliament) or the sole type of sanction (Latvia and North Macedonia).

Our analysis shows that accepting and applying ethical codes is mainly based on the conscience and good will of the MPs themselves. The lack of sanctions in some codes and the widespread use of reminders reaffirms the dilemma we address in the title of the present paper: adopting codes of conduct is more likely to be a cosmetic measure than a serious instrument in the struggle against corruption.

THE CODE OF ETHICS FOR MEMBERS OF THE ASSEMBLY OF THE REPUBLIC OF NORTH MACEDONIA

According to Greg Power, author of the *Handbook on Parliamentary Ethics and Conduct*, a guidebook for MPs, parliaments usually introduce ethical systems and

²⁸ In 1994, the UK government established a Committee on Standards in Public Life. The remit of the committee was to make recommendations to improve standards of behaviour in public life. The committee was chaired by Lord Nolan, and the first report of the committee established the seven principles of public life, also known as the "Nolan principles". For more information on the seven principles, see: <<http://43y-1jh14ux9mdvkuh362aheq.wpengine.netdna-cdn.com/wp-content/uploads/2012/01/The-Nolan-Principles-of-Public-Life.pdf>>, viewed 17. 12. 2019

²⁹ Prohibition of presence at plenary and working group sessions and thus loss of the right to speak and to vote, the right of legislative initiative, and the right of interpellation.

codes of conduct for one of the following reasons: a) as a response to ethical violations, b) as public concern for introducing parliament standards, or c) for implementing existing bye-laws in the parliament.³⁰

Based on the experience from adopting the Code of Ethics for Members of Parliament of the Republic of Macedonia, we could well add another reason. Since forming a working group for drafting the Code was based on GRECO's recommendation, we could add that codes of conduct for MPs can also be adopted as a consequence of "pressure" from the international community and agreed responsibilities. We do not only have in mind GRECO's recommendations, but also the "Jean Monnet" initiative, which actually was the framework for the MPs agreeing on adopting the Code. Although it had been agreed on that the Code of Ethics for Members of the Assembly be adopted in 2012, it actually took six more years (the Code was adopted in mid 2018). In the following, we provide a chronologic overview of the events, including reasons (objective and subjective) for the delay. The data presented is mostly taken from GRECO's three progress evaluation reports.³¹

ADOPTING THE CODE THROUGH THE LENS OF GRECO'S RECOMMENDATIONS: A CHRONOLOGICAL OVERVIEW

North Macedonia joined GRECO in 2000 and has ever since been subject to four rounds of evaluation.³² For the present study, the fourth round of evaluation was considered. It started on 1st January 2012 and focused on "preventing corruption concerning members of the parliament, judges and prosecutors". Out of GRECO's 19 recommendations, we review the two first ones.

To prepare a code of conduct for the Members of the Assembly and to provide for it to be easily acceptable for the public.

To establish an appropriate mechanism within the Assembly in order to promote the Code and to raise the awareness of the Members of the Assembly concerning the standards they are expected to adhere to, but also to implement such standards where necessary.

As recommended by GRECO, on 14 March 2012, the Assembly held a meeting on the introduction of an ethic code for parliamentarians. The meeting was attended by the President and vice-presidents of the Assembly and the chairmen

³⁰ Power, Greg, *Handbook on Parliamentary Ethics and Conduct: A Guide for Parliamentarians*. Westminster Foundation for Democracy and GOPAC. 2010, p.13, <http://gopacnetwork.org/Docs/PEC_Guide_EN.pdf>, viewed 17. 12. 2019.

³¹ The evaluation reports on North Macedonia are available at <<https://www.coe.int/en/web/greco/evaluations/north-macedonia>>, viewed 15. 12. 2019

³² The first evaluation round took place in December 2002, the second in October 2005, the third in March 2010, and the fourth in January 2012.

of the political groups, and they agreed to adopt the draft version of the code with a consensus and support from all political parties. However, the working group could not continue its work because of the opposition's boycott that lasted several months (as a result of the events of 24 December 2012) and the desired consensus could not be achieved.³³ Work was not resumed until 26 August 2013, when the Special Investigation Committee on the Events of 24 December 2012 consensually recommended to adopt an ethical code for the members of the Assembly.³⁴

Some events that occurred between the two evaluation reports should be mentioned. First, the European Centre for Parliamentary Research and Documentation (ECPRD) held a seminar with the title "Structures and Procedures with Regard to the Code of Conduct for MPs and with Regard to the Integrity of Parliamentary Staff"³⁵ on 8-9 May 2014, which was attended by 54 participants from 34 different parliaments, representatives of GRECO and OSCE/ODIHR, and others. One of the event's aims was to gather information for drafting the ethical code. On 18-19 May 2015, another event was organised in order to raise the MPs' awareness about the need and advantages of adopting an ethical code of conduct. 44 MPs from different political parties represented in the Assembly participated in the workshops organised by the State Commission for Prevention of Corruption (SCPC) as a part of the IPA Twinning Project "Support to efficient prevention and fight against corruption".³⁶ The workshops mainly contributed to raising the MPs' awareness regarding issues like prevention of corruption, conflict of interests, international standards, duties regarding the declaration of assets and interests, presents, as well as other ethical topics.

A CRITICAL REVIEW OF THE CODE OF ETHICS FOR MEMBERS OF THE PARLIAMENT OF THE REPUBLIC OF MACEDONIA AND SUGGESTIONS FOR IMPROVEMENT

Since 2018, the Assembly of the Republic of North Macedonia is a member of the club of parliaments that has adopted a set of rules of conduct for the MPs. The Code of Ethics for Members of Parliament³⁷ was adopted at the 47th plenary session on 11 June 2018 with support from all political parties, about one month

- ³³ Council of Europe. GRECO. *FOURTH EVALUATION ROUND: Corruption prevention in respect of members of parliament, judges and prosecutors*. Compliance report: "The Former Yugoslav Republic of Macedonia". Strasbourg, 2016. p. 3 <<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c9b18>>, viewed 15. 12. 2019
- ³⁴ Council of Europe. GRECO. *FOURTH EVALUATION ROUND: Corruption prevention in respect of members of parliament, judges and prosecutors*. Evaluation report "The Former Yugoslav Republic of Macedonia". Strasbourg, 2013. p. 9-1 <<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c9ab5>>, viewed 15. 12. 2019
- ³⁵ For information on the seminar (programme, list of participants, questionnaires, research, analyses, etc.), see <<https://www.sobranie.mk/ecprd-seminar-may-2014-skopje.nspx>>, viewed 15. 12. 2019
- ³⁶ Council of Europe. GRECO. *FOURTH EVALUATION ROUND: Corruption prevention in respect of members of parliament, judges and prosecutors*. Compliance report: "The Former Yugoslav Republic of Macedonia". Strasbourg, 2016. p. 3-4 <<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c9b18>>, viewed 15. 12. 2019
- ³⁷ Code of Ethics for Members of Parliament of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" no. 109/2018) <<http://www.slvesnik.com.mk/Issues/bf31aa69c19a4238aae2659b7afaa3a0.pdf>>, viewed 15. 12. 2019.

after the MPs had committed themselves to that task at their first meeting in the framework of the “Jean Monnet” Process on 18 May 2018.³⁸

The Code had been drafted by the working group formed by the President of the Assembly on 28 June 2017, which was composed of MPs and Assembly staff, and led by EU expert Edmond Miletić.³⁹

The Code of Ethics has 22 articles and is divided in the following **six sections**:⁴⁰

- 1) *general provisions*: subject and aim;
- 2) *basic ethical principles*: standards and rules of professional conduct (impartiality, publicity and responsibility, mutual respect, respect towards the reputation of the Assembly and respect of the personal integrity of others);
- 3) *rules of conduct*: basic rules of conduct, conflict of interests, prohibition of corruption and of accepting gifts, budgetary and financial discipline and attitude towards assets used in the Assembly;
- 4) *violations of the Code of Ethics*: minor and major violations, competent Assembly body (Committee on Rules of Procedure and Mandatory-Immunity Issues of the Assembly), measures for violation of the Code of Ethics (reminder for minor violations, public reminder for major violations), obsolescence;
- 5) *statement on the acceptance of the Code of Ethics and publishing the Code of Ethics*;
- 6) *transitional and final provisions* (entry into force).

By adopting the Code of Ethics for its members, the Assembly fulfilled GRECO’s first recommendation to some extent. Although the Code provides a certain mechanism for its application, the rules of procedure and other implementation rules will have to be separately adopted by the Committee on Rules of Procedure and Mandatory-Immunity Issues. That Committee has still not yet adopted an act on the procedure for the ascertainment of minor and major violations and the imposition of sanctions (as stipulated by Article 15, paragraph 3 of the Code). It is not sufficient for a reprehension (or public reprehension in case of major violations) to be the only possible sanction for violating the Code, with regard to the range of situations that can occur. The MPs signing a statement (according to Article 18) in which they declare to respect the provisions of the Code at the beginning of their mandate is a good practice which could be adapted by other parliaments that have introduced codes of conduct.

38 Denešen vesnik (electronic edition). “Žan Mone: Nov etički kodeks i itni izmeni na Delovnikot na Sobranieto” (“Jean Monnet: a new Ethical Code and amendments to the Rules of Procedure of the Assembly”). 21. 5. 2018, <<https://denesen.mk/zan-mone-nov-etichki-kodeks-i-itni-izmeni-na-delovnikot-na-sobranieto-na-republika-makedonija/>>, viewed 17. 12. 2019

39 Miletić was the expert involved in the EU project “Support to the Assembly on Implementing Reforms”. For information on the project, see <<https://www.sobranie.mk/eu-proekt-poddrshka-na-sobranieto-za-sproveduvanje-na-reformite.nspx>>, viewed 15. 12. 2019

40 Code of Ethics for Members of Parliament of the Republic of Macedonia, op.cit.

A careful look at the fourth section, which deals with violations of the Code, shows that there are no provisions on accepting gifts, nor on better regulation of conflicts of interest.⁴¹ Actually, GRECO's second recommendation was about the development of internal mechanisms and guidelines for the Assembly on preventing conflicts of interest and accepting gifts, hospitality, and other assets, and to appropriately monitor the adherence to the rules, even though the Code tackles conflicts of interest (Article 8)⁴², prohibition of corruption (Article 9),⁴³ and prohibition of accepting gifts (Article 10).⁴⁴ Obviously, the statement from Article 8 that "a Member of the Assembly has to respect the rules on preventing conflicts of public and private interest" is not sufficient for defining problematic situations and expectations towards MPs with regard to legal and administrative procedures. The GRECO experts had suggested that additions be made to the Code with regard to situations in which conflicts of interests could arise for MPs, such as making certain decisions regarding the use of resources for parliamentarians, when being a reporter or chairperson of a committee or a meeting on a certain topic, presenting positions or voting in certain situations, etc. Furthermore, the text of the Code could be complemented regarding expected reactions to such situations, disclosure of private interests, demanding explications, temporary or definite withdrawal from the function, and abstention from certain decisions. The same can be said with regard to reactions to gifts and other benefits. Parliamentarians can be presented with so-called protocol gifts, and it remains unclear whether they should be rejected, declared, or handed over to the Assembly.⁴⁵

CONCLUSION

As a reaction to recurring scandals and controversies related to corruption in parliaments, during the last twenty years, international and national stakeholders have started to commit to regulating MPs' conduct at an international level, based on ethical standards and rules as basic elements for reclaiming public trust in the openness, transparency and accountability of parliaments as the major democratic institutions.

41 There was a public debate concerning the election of Nuri Bajrami from Gostivar as a member of the State Commission for Prevention of Corruption because of his "family ties" to the President of the Assembly Mr. Talat Xhaferi.

42 "An MP shall respect the rules that pertain to prevention of conflict of public and private interest." Article 8 of the Code of Ethics for Members of Parliament of the Republic of Macedonia, op. cit.

43 "An MP, while performing his/her function, shall respect the rules pertaining to ban of corruption and shall avoid any conduct that may be qualified as corruptive or deviation from the rules of the Code of Ethics according to the domestic and international legislation." Article 9 of the Code of Ethics for Members of Parliament of the Republic of Macedonia, op. cit.

44 "An MP may not use his/her function for the purpose of acquiring assets or other benefits for him/herself or for others, may not request and/or receive gifts and free services and may not use his/her function or information obtained while performing his/her functions for acquiring personal benefit or benefit for others." Article 10 of the Code of Ethics for Members of Parliament of the Republic of Macedonia, op. cit.

45 Council of Europe. GRECO. *FOURTH EVALUATION ROUND: Corruption prevention in respect of members of parliament, judges and prosecutors*. Second compliance report: "The Former Yugoslav Republic of Macedonia". Strasbourg, 2018 <<https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/16808cc85f>>, viewed 15. 12. 2019

The aim of adopting codes of conduct is to provide MPs with guidelines on conduct with regard to ethical dilemmas, determining the highest standards of professional ethics. Ethical codes are detailed lists of ethical rules which provide a clear framework for parliamentarians to fulfil their rights and duties. At the same time, the codes contribute to political credibility and trust of citizens in the most important institution of the political system.

Being the most significant political body of a state, a parliament is expected to set an example of incorruptibility. The duty and will of MPs to adhere to the highest standards of professionalism and integrity play a key role in the fight against corruption. If they are led by public rather than private (or strictly party) interests in carrying out their duties, the MPs can and should contribute to increasing the citizens' trust in the most important political institution.

Respective recommendations in international documents have led to an increased number of states that have introduced comprehensive ethical rules to assure that members of parliament act professionally while fulfilling their duties. The growing trend of national parliaments codifying and adapting international standards of integrity in a unified set of norms and documents during the past ten years represents a positive development. Macedonian Parliament joined this trend, albeit with some delay, by adopting a code of ethics in 2018. However, many national parliaments still have not introduced a code of conduct for their members.

In North Macedonia, the principle according to which elected and appointed public officials should adhere to higher moral and ethical standards than "common citizens" has not yet been invigorated, however, the Code of Ethics is one step in that direction. It will not eradicate uncivilised behaviour or stop conflicts of interest of the MPs over night, but clear standards and an appropriate set of sanctions (which should still be adopted) will contribute to a new integrity and prevent further erosion of the ethical culture at the Assembly. I think that the main challenge for the Committee on Rules of Procedure and Mandatory-Immunity Issues of the Assembly with regard to drafting the decree stipulated in Article 15, paragraph 3 on the procedure for determining minor and major violations is the introduction of more severe sanctions, such as monetary penalties and (temporary) suspension as adopted by some parliaments included in our analysis.

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Council of Europe. GRECO. *FOURTH EVALUATION ROUND: Corruption prevention in respect of members of parliament, judges and prosecutors*. Compliance report: "The Former Yugoslav Republic of Macedonia". Strasbourg, 2016

<<https://rm.coe.int/CoERMPublicCommonSearchServices/displayDCTMContent?documentId=09000016806c9b18>>

Council of Europe. GRECO. *FOURTH EVALUATION ROUND: Corruption prevention in respect of members of parliament, judges and prosecutors*. Second compliance report: "The Former Yugoslav Republic of Macedonia". Strasbourg, 2018 <<https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/16808cc85f>>

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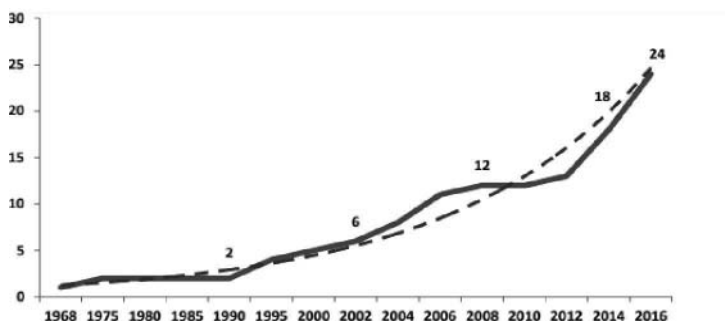
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ANNEX A: Chart No. 1: Number of parliaments of OSCE member states that have adopted a code of conduct



Source: Leone, Jacopo. *Codes of conduct for national parliaments and their role in promoting integrity*. OECD, 2017

ANNEX B: Table No. 1: OECD member states in which at least one chamber of the national parliament has adopted a code of conduct for MPs

State	Document	Type of document	Mechanism for implementation	Year of adoption
Belgium	Deontological code	Rules of procedure	No implementation mechanism	2013
Bosnia and Herzegovina	Ethical code	Resolution	Self-regulation (Joint Committee on Human Rights)	2008
Bulgaria	Ethical rules of conduct	Rules of procedure	Self-regulation (Committee on Anti-Corruption, Conflicts of Interest and Parliamentary Ethics)	2014
Canada	Ethics and conflict of interest code for senators	Rules of procedure	Self-regulation	2005
Estonia	Good practices of the parliament	Resolution	Self-regulation (Elected Committee for Anti-Corruption)	2004
Finland	Proposals of the Speaker's Council on the Rules of Procedure	Rules of procedure	Self-regulation (Parliamentary Office)	2015
France	Deontological code	Resolution	Co-regulation (Ethical Standards Commissioner of the National Assembly and Bureau of the National Assembly); Self-regulation (Senate: Ethics Committee)	2011
Georgia	Ethical code	Declaration	No implementation mechanism	2004
Germany	Ethical code	Rules of procedure	Self-regulation (Speaker of the Parliament and parliamentary administration)	1972
Iceland	Ethical code	Resolution	Self-regulation (Appointed Advisory Committee)	2016

Italy	Ethical code	Declaration (test period, intended to be incorporated into the Rules of procedure)	Self-regulation (Advisory Committee on the Conduct of Members)	2016
Latvia	Ethical code	Rules of procedure	Self-regulation (Committee on Mandate, Ethics and Conduct)	2006
Lithuania	Ethical code	Primary law	Self-regulation (Committee on Ethics and Procedures)	2006
Luxembourg	Ethical code	Rules of procedure	Self-regulation (Advisory Committee on the Conduct of Members)	2014
Malta	Ethical code	Rules of procedure	Self-regulation (Speaker of the Parliament)	1995
Montenegro	Ethical code	Resolution	Self-regulation (Committee for Prevention of Conflicts of Interest)	2014
The Netherlands	Guidelines on the integrity of MPs	Rules of procedure	No implementation mechanism	2015
Norway	Ethical handbook	Declaration	No implementation mechanism	2013
Poland	Ethical handbook	Resolution	Self-regulation (Ethics Committee)	1998
Slovenia	Ethical code	Resolution	No implementation mechanism	2015
Sweden	Ethical code	Declaration	Self-regulation (Speaker of the Parliament)	2016
United Kingdom	Ethical code	Resolution	Co-regulation (Committee on Standards in Public Life and Commissioner for Standards)	1995
USA	Ethical code	Rules of procedure	External regulation (Office of Congressional Ethics)	1968
European Parliament	Ethical code	Rules of procedure	Self-regulation (Advisory Committee on the Conduct of Members)	2012

Source: adapted according to Leone, Jacopo. *Codes of conduct for national parliament and their role in promoting integrity*. OECD, 2017

Annex B: Table No. 2: Overview of the main findings of the study: Analysis of the contents of the codes of conduct of selected EU and Western Balkan states

Parliament	Legal basis	(Ethical) principles	Competent body	Sanctions	Year of adoption
House of Commons, United Kingdom	Ethical code (The Code of Conduct)	Selflessness, integrity, objectivity, accountability, openness, honesty, leadership	Commissioner for Standards, Committee on Standards in Public Life, Committee on Standards and Privileges	Written apology, apology at plenary session, suspension with loss of remuneration	1996

European Parliament	Ethical code (The Code of Conduct for Members of European Parliament with respect to financial interests and conflict of interests)	Impartiality, integrity, openness, integrity, openness, diligence, honesty, accountability, respect Parliament's reputation; to act solely in the public interest; to refrain from obtaining any direct or indirect financial benefit or other reward; prohibition to accept gifts of higher value than 150 EUR.	The Advisory Committee on the Conduct of Members examines the circumstances of an alleged breach of the Code, the Bureau of the European Parliament determines measures for applying the Code and making suggestions on its revision; President of the Parliament.	Reminder (reprimand); forfeiture of entitlement to the daily subsistence allowance for a period of between two and thirty days, temporary suspension from participation in all or some of the activities of Parliament for a period of between two and thirty days on which Parliament meets, suspension or removal of the Member from one or more of the offices.	2012
Assemblée Nationale (National Assembly), France	Rules of procedure; Ethical Code for MPs (Code de déontologie des députés)	Act in the public interest, independence, objectivity, responsibility, righteousness, setting an example.	Ethical Affairs Advisor (provides advice for MPs regarding adherence to ethical principles and suggests improvement of the principles of the Ethical Code; the Bureau of the National Assembly decides on violations of the Code.	The Ethical Code does not stipulate any sanctions for violating the ethical principles.	2011
Bundestag, Germany	Code of Conduct Annex I to the Rules of Procedure for Members of the German Bundestag	Duty to declare activities predating membership of the Bundestag, principles regarding the declaration of gifts and donations, rules regarding MPs who also act as lawyers.	President of the Bundestag	In case of violation, an administrative penalty of up to half of the annual Member's remuneration is applicable. In the case of a non-minor breach of order or failure to respect the dignity of the Bundestag during its sittings, the President may impose a fine of 1,000 EUR. In the case of a serious breach of order or failure to respect the dignity of the Bundestag, a Member may be ordered to leave the Chamber for the remainder of the sitting and suspended from taking part in sittings of the Bundestag and meetings of its bodies for up to 30 sitting days.	1972

Saeima, Latvia	Code of Ethics for members of the Saeima of the Republic of Latvia, Annex to the Rules of Procedure	Moral and public responsibility, avoiding use of insulting words and gestures, duty to prevent conflicts of interest, non-participation in inquiry committees if the MP has an interest in the subject of the investigation, prohibition to use confidential information to own benefit, appropriate clothing and appearance inside the building, prohibition to appear in public under the influence of alcohol or psychotropic substances, duty of civil conduct towards employees.	Mandate, Ethics and Submissions Committee, Corruption Prevention and Combating Bureau	Oral reprehension, which is noted in the proceedings of the Committee, written reprehension, mentioned during plenary session, and decision published in the Official Gazette.	2006
Kamra tad Deputati, Malta	Code of Ethics of Members of the House of Representatives	Conduct in a manner which reflects the status and dignity of the House of Representatives, prohibition to receive any remuneration or compensation except for his/her official remuneration, prohibition to exert any improper influence, threats or undue pressure.	President of the Parliament	The Code of Ethics does not stipulate any sanctions for violating the ethical principles.	1995
Sejm, Poland	Rules of Procedure of both Houses of the Polish Parliament, Principles of Deputies Ethics – Resolution of the Sejm of the Republic of Poland	Impartiality, responsibility, objectivity, openness, respect of the Parliament's name and reputation.	Rules, Deputies' Affairs and Immunities Committee of the Sejm, Deputies' Ethics Committee of the Sejm, Praesidium of the Sejm, Praesidium of the Senate.	The Deputies' Ethics Committee of the Sejm can sanction MPs for violating the principles by means of reminder or reprimand. In case a Deputy disrupts the work of the Senate, the President of the Senate may take a resolution on the reduction in the Deputy's salary or parliamentary per diem allowance by no more than ½ of the Deputy's salary or up to a whole parliamentary per diem allowance on monthly basis, for a period no longer than 3 months.	1998

Scotland	The Code of Conduct for the Members of the Scottish Parliament	Selflessness, integrity, objectivity, accountability, openness, honesty, leadership	Officials responsible for the standards provide advice concerning the use of the rules from the Code of Conduct.	Prohibition to attend plenary and working group sessions, to participate in discussions, to vote, to propose a law, loss of right to interpellation, to propose an amendment, to propose draft reports.	2011
Kosovo	Annex 3 to the Rules of Procedure: Code of Conduct for Members of Assembly	Selflessness, moral integrity, objectivity, responsibility, leadership.	President of the Parliament	The Ethical Code does not stipulate any sanctions for violating the ethical principles.	2010
Bosnia and Herzegovina	Code of Conduct for Members of Parliament and Delegates of the Parliamentary Assembly of Bosnia and Herzegovina	Responsibility towards the public, honesty, integrity	Joint Committee on Human Rights, Rights of the Child, Youth, Immigration, Refugees, Asylum and Ethics.	Written reprehension, monetary penalty in the amount of 50% of the monthly remuneration, published public reprehension.	2008
Montenegro	Ethical Code for Members of Parliament (Etički kodeks poslanika)	Objectivity, responsibility, mutual respect, respect of the reputation of the Parliament.	Committee on Human Rights and Freedoms.	Reprehension, public reprehension, removal from the session.	2014
North Macedonia	Code of Ethics for Members of Parliament of the Republic of Macedonia	Objectivity, publicity and responsibility, mutual respect, respect of the reputation of the Assembly, respect of the integrity of others.	Committee on Rules of Procedure and Mandatory-Immunity Issues of the Assembly	Reprehension in case of minor violations, public reprehension in case of major violations.	2018





