

EU'S DEMOCRACY PROMOTION TOWARDS REPUBLIC OF MACEDONIA THROUGH THE STANDARD OF FAIR AND DEMOCRATIC ELECTIONS

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Abstract: The paper will analyze the promotion of democracy of the European Union towards Republic of Macedonia, with a focus on the implementation of the standard for providing fair and democratic elections. The research will be conducted by analyzing the European Commission progress reports for Republic of Macedonia with a cross reference to the election reports from ODHIR (OSCE). The purpose of the analysis will be to examine the value of democracy of the European Union in confront to its democracy promotion towards the Republic of Macedonia, in order to define the coherency and consistency of EU's foreign policy towards Macedonia, that is to determine whether or not double standards exist between the EU's vision of 'democracy' and what it really promotes in its foreign policy towards the Republic of Macedonia. The outcome of the analysis will give feedback about the impact of the European Union on Macedonia's current political crisis.

I. Introduction

The political crisis that the Republic of Macedonia has been dealing with for some time, has questioned the functioning of the state's legal system and its democratic credentials, that brought to the table a series of questions regarding legitimacy, legality and effectiveness of the state's democratic processes. In particular, there have been concerns about providing fair and democratic elections in the country throughout the years. In view of the fact that the EU has been monitoring the democratic performances of the state for more than 10 years, and yet the problem of Macedonia's democratic credentials is still present and more than ever evident, the question that is being posed in this research is:

To what extent do the EU Progress Reports towards Republic of Macedonia reflect EU's value of democracy as enshrined in its treaties, *acquis communautaire* and policies, and

to what degree are they coherent with EU's perception and promotion of democracy in general? Furthermore, what is their impact on Macedonia's political crisis?

II. Methodology of the research

Having this as a starting point, the paper will examine the value of democracy of the European Union as conceived in the EU's *acquis communautaire* and its foreign policy, in confront to its democracy promotion towards Republic of Macedonia, especially through the lens of providing fair and free elections. This will be conducted by investigating the European Commission Progress reports towards Macedonia for the period 2006 - 2015¹. In order to make cross reference to the EU Reports we will also examine the electoral reports from the OSCE Office for Democratic Institutions and Human Rights (ODHIR)², since OSCE is the official observer for national elections in Macedonia and both the EU and OSCE use comparable methodology in observation missions. The purpose of the research is to examine the value of democracy of the European Union in confront to its democracy promotion towards the Republic of Macedonia in order to define the coherency and consistency of EU's foreign policy towards Macedonia, that is to determine whether or not double standards exist between the EU's vision of 'democracy' and what it really promotes in its foreign policy towards the Republic of Macedonia. The outcome of the analysis will give feedback about the impact of the European Union on Macedonia's current political crisis.

The analysis will be founded upon basic indicators related to election observation as accepted by the European Union³ that are contained in the EU Progress reports in confront to the reports from ODHIR (OSCE), in the following fields: political context, legal framework (election related legislation), preconditions for exercise of voting rights (election system: electoral code and voters list), access to information (media environment), investigations and

¹ In order to monitor the implementation of the integration process of the Republic, every year the European Commission drafts a Country Progress Report in which it observes the situation in regards the level of harmonization of the country's legislation; it specifies the shortcomings in the achievement of the mutually agreed standards and indicates suggestions and measures to overcome them, i.e. to fulfil the EU membership criteria. This type of approach enables an equal treatment of all issues that are subject to EU harmonization, and strives to present an objective assessment of the facts and circumstances in the country. These reports, drafted by the European Commission, are based on information gained through many different sources, such as – reports and information from the Government, EU Member-States and the European Parliament, as well as from various international governmental and non-governmental organizations.

² The correlation between the EU and the OSCE is close, particularly as regards the joint reporting (EU progress reports and the OSCE election Reports), and they often overlap. However, the subject of the analysis are precisely those EU progress reports which reflect the EU's position regarding the democratic processes in the country as a necessary precondition for EU accession, viewed through the conducting of the elections.

³ Cfr. Compendium of International Standards for Elections, Fourth edition, Election Observation and Democratic Support, EEAS, Brussels, 2016; Handbook for European Union Election Observation, Second Edition, European Commission 2008; Communication of the Commission on EU Election Assistance and Observation (2000); Communication from the Commission to the Council and the European Parliament - The European Union's Role in Promoting Human Rights and Democratization in Third Countries (2001); Cotonou Agreement (Between EU and ACP Partner Countries) (2000)6;

proceedings as regards the obstruction of the voting right (complaint and appeal: achieving justice), and administrative aspects (election administration: general assessment of the elections).

III. Democracy as a value of the European Union

The existence of democracy together with the rule of law, human rights and the protection of minorities are the necessary standards that states which are interested for accession to the EU must guarantee through the stability of their institutions.⁴ This constitutive norm of the Union, for the first time has been codified in the Luxembourg report in 1970, in which it is explicitly prescribed that the membership of the Community is open to all countries with a democratic elected government. Later, in 1973, in the Declaration on European identity (the so called Copenhagen report), the principles of representative democracy are being treated as basic elements of the European political identity, but not as aims of the European Foreign Policy (K. Smith, 2008:125). Few years later, with the Maastricht Treaty (1992), democracy becomes an aim in the EU's Foreign Policy, especially highlighted in the part of policies for cooperation and development⁵. In 1993 democracy is being affirmed as a precondition for membership for candidate countries through the Copenhagen criteria, after what in 1995 it is being repeated as a conditional clause in the cooperation and development policies, as well as in the legal acts of foreign policy (Manners, 2006:71).

Democracy is foreseen in the preamble of the founding treaties and in the Consolidated version of the Treaty of the European Union, where it is being represented as a universal value towards which the Union is being inspired and based upon (art. 2). Democracy, in its representative form of governance, is defined in art. 10 (1), as a form on which the entire functioning of the European Political system is pillared upon, and in art. 10 (2), it is prescribed as a basis on which the citizens are being represented in the EU through the European Parliament. Besides that, democracy is represented as basic principle of the EU's Foreign Policy (art. 21 (1b)), in base of which the Union undertakes actions for its promotion, consolidation and support for third countries. Having in mind the fact that the international law still does not recognize a unique definition and a common accepted approach towards democracy, the European Union defines it as „...[u]niversally recognized principles in base of which the organization of the state is founded upon and that guarantee the respect of rights and basic freedoms, giving states entirely the freedom to develop their own model of organizatio

⁴Conclusions of the Presidency, European Council in Copenhagen, 21-22.06.1993 (SN 180/1/93 REV 1);

⁵ Art. J1., paragraph 2, alinea 5 and art. 130u, paragraph 2 from Title XVII of the Treaty of Maastricht.

[n]...⁶ According to this the Union presents the democratic principles as postulates that possess traits of legitimacy, legality and effectivity that countries should fulfil. These include the right of choice and change of government through free and fair elections, separation of powers to legislative, executive and judicial, promotion and protection of fundamental rights and freedoms, protection of freedom of speech, of information, reunion and political organization, independence of judiciary, political and institutional pluralism, transparency and institutional integrity and other.⁷

For what concerns democracy promotion through the standard of fair and democratic elections, the EU before all refers to international and regional documents and instruments that contain clauses of human rights and fundamental freedoms that establish legal and political commitments to meet specific standards in relation to election.

From the universal instruments developed and adopted within the United Nations (UN), the EU recalls the Universal Declaration on Human Rights (art. 21), the International Covenant on Human and Political Rights – ICCPR (art. 2 and 25) and the International Covenant on Economic, Social and Cultural Rights – ICESCR, General Comment No. 25 (1996) issued by the United Nations Human Rights Committee (HRC)²², which provides a detailed interpretation of Article 25 of the ICCPR, Convention on the Elimination of All Forms of Racial Discrimination – CERD (art. 5), Convention on the Elimination of All Forms of Discrimination against Women – CEDAW (art. 7), and other. Furthermore, from the regional instruments and documents developed within regional organization, the Union recalls the European Convention for the Protection of Human Rights and Fundamental Freedoms – Council of Europe (1950), the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990) (OSCE), the European Commission for Democracy through Law (Venice Commission) Code of Good Practice on Electoral Matters (2002), etc. Moreover regarding the principles recognized within the EU, the Union refers to the Charter of Fundamental Rights of the European Union (2000/2010), Act concerning the election of the Members of the European Parliament by direct universal suffrage (2002)⁵⁹²; Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals; Council Directive on the

⁶ Communication on “Democratization, the rule of law, respect for human rights and good governance: the challenges of the Partnership between the European Union and the ACP States”, European Commission, COM (1998) 146, pp. 4 – 6;

⁷ In addition to the democratic principles, the European Union evokes the principle of good governance as a way of exercising political, economic and administrative power while administering public work in a state. This implies the existence of competent and effective institutions that work in a transparent, responsible, participative and equal manner in governing the public work and that are respectful of human rights and rule of law.

right to vote and to stand as a candidate in municipal elections (1994)⁶⁰³; Regulation governing political parties at European level and the rules regarding their funding (2003)⁶¹⁴; and other.

All these instruments establish legal and political commitments and specific standards in relation to elections that a state holding elections is supposed to meet.

In concrete, the standards contained in the abovementioned documents and instruments contain the following rights: the right and opportunity, without any distinction or unreasonable restrictions, for citizens to participate in government and public affairs through: periodic elections, genuine elections, universal suffrage, equal suffrage, the right to stand for election, the right to vote, the right to a secret ballot, the free expression of the will of voters; the freedom of expression; the freedom of association; the freedom of assembly; the freedom of movement; the freedom from discrimination; and the right to an effective legal remedy.

In spite of treaty based rules, the EU also refers to best practice for democratic elections when it acts as a mission observer to some country. In this direction the EU assesses the following aspects of the electoral process: transparency in the electoral process; election administration acts in an effective, impartial, independent and accountable manner; equal access for candidates and political parties to state resources; equal access for candidates and political parties to, and balanced coverage by, any state or publicly funded media; electorate is informed of its rights through civic and voter education programmes; and peaceful atmosphere – free from violence, intimidation or reprisals – for candidates and parties to campaign and for the electorate to vote.⁸

IV. Promotion of democracy through the standard of fair and democratic elections towards Republic of Macedonia for the reporting period 2006 - 2015

The analysis of the research, as mentioned before, will be founded upon basic indicators related to election observation of the European Union through the EU Progress reports towards Republic of Macedonia for the period 2006 – 2015. These ultimate will be compared to the ODHIR (OSCE) reports for the same period. The indicators that will be reviewed are the following: political context, legal framework (election related legislation), preconditions for exercise of voting rights (election system: electoral code and voters list), access to information (media environment), investigations and proceedings as regards the obstruction of the voting

⁸ Handbook for European Election and Observation, 2008, p. 15

right (complaint and appeal: achieving justice), and administrative aspects (election administration: general assessment of the elections).

1) Political context

During the period 2006-2015 in Republic of Macedonia were held eight elections; 4 of them parliamentary elections (one regular election and three early elections), 2 local elections and 2 presidential elections). Each election was subject to EU monitoring as regards to the evaluation reported in the Country Progress report, and was subject to the monitoring of ODIHR Mission for election observation (OSCE) that reported on the ways of conducting the elections, according to the established methodology based on adequate parameters, which comply with international standards concerning holding free and democratic elections.

Since 2015, the country has been facing an unprecedented political crisis that almost paralyzed the entire legal and political system of the state.⁹ The development of the crisis brought the need for organizing new early elections that were supposed to be held in April 2016, however due to political misunderstanding the early elections were postponed to December 2016.¹⁰

2) Legal framework (election related legislation)

The legal framework of the electoral process refers to the framework of legislative and regulatory provisions of the state that are supposed to be in accordance with the international standards for democratic elections and should include guarantees for the exercise of fundamental freedoms and political rights associated with elections¹¹.

In base of that it is necessary to say that the Republic of Macedonia is a member state of the UN and the Council of Europe, and is a signatory part of the International Covenant on Human and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, European Convention for the

⁹ The crisis began in February 2015 with the burst of the wiretapping affair that concerned the tapping of telephone calls of states officials, politicians, judges and other people who were illegally registered for a period of few years. The registrations were published by the opposition party SDSM. The crisis culminated with the passing of the President's abolition act, by which in April 2016 the indictment procedures that were undertaken against the incumbent Prime Minister Nikola Gruevski and other high state officials related to this affair ceased to exist. From then until June 2016, massive protests and demonstrations were held throughout the state, and finally in June they came to an end with the "Pržino agreement", reached under the mediation of the EU and the USA. The agreement represents a framework for resolving the crisis with the aim to assure respect for democratic principles and political responsibility as well as to reconfirm faith in the political system and to readdress the country's road back to Euro Atlantic integrations.

¹⁰ The elections of December 2016, do not enter in the research framework, because the reporting period of the European Commission is still to come (in October 2017).

¹¹ Handbook for European Union Election Observation, 2008, p. 29-31.

Protection of Human Rights and Fundamental Freedoms and other significant international and regional documents that promote democracy and protection of human rights.

In particular, the standards foreseen in these documents and instruments receive domestic application through art. 8 of the Constitution (1991), stating that the foundation values of the state's constitutional order refer to "... the basic freedoms and rights of man and citizen recognized by international law and set forth in the Constitution ..." (par.1), and to the "... respect of the general principles of international law ..." (par. 2). This means that the state accepts the norm foreseen by art. 21 of the Universal Declaration of Human rights " that (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives, (2) Everyone has the right of equal access to public service in his country, ... and that ... (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures. Furthermore, the country respects also art. 19 of the same Declaration stating "... Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers ...".

Likewise, the same article of the Constitution in reference to elections and voting rights enshrines that the foundation values are also based upon "... political pluralism and free, direct and democratic elections and rule of law...". In addition, article 22 of the Constitution specifies the right to vote as equal, universal and direct - exercised at free elections by a secret ballot. In national legislations, these norms have been incorporated in the Electoral Code of Republic of Macedonia¹² which is considered the most relevant act referring to the electoral process, that regulates national (parliamentary and presidential) and local elections. Other laws relative to elections are the Law on Financing the Political Parties¹³ and the Law on Audio and Audio-visual media services.¹⁴

Concerning prosecution for illegal interference with the electoral process like electoral fraud, election manipulation, vote rigging or other, the country has adopted the Criminal Code of Republic of Macedonia, where in Chapter 16 (art. 158 – 165v) are set the founding principles for protecting the legal and political order in the country, as well as sanctions and penalties for acts of crime connected to the elections and voting, in particular to all unwarranted actions

¹² Electoral Code of Republic of Macedonia, 2006 (modifications and amendments in 2008, 2011, 2012, 2013, 2014, 2015, 2016).

¹³ Law on Financing the Political Parties, 2004 (modifications and amendments in 2008, 2011, 2012, 2013).

¹⁴ Law on audio and audio-visual media services, 2013 (modifications and amendments in 2014).

related to: Preventing elections and voting; Violation of the voting right; Violation of the voter's freedom of choice; Misuse of the voting right; Bribery at elections and voting; Violation of the confidentiality of voting; Destruction of electoral material; Electoral deceit; Abuse of the election campaign funds, etc.¹⁵

3) Preconditions for exercise of voting rights (election system)

Electoral Code

The EU Progress reports 2006 - 2015 are notifying an improvement of the Electoral Code and record every step taken in that direction. The remarks regarding the shortcomings of the Electoral Code are reiterated through all reporting years especially because the Electoral Code modifications and amendments are happening almost annually, i.e. during the analysed period the Electoral Code was amended seven times.¹⁶

EU indicated that part of the OSCE remarks, regarding the electoral issues are incorporated in each of its amendments, but the revision has never been fully accomplished. The shortcomings and discrepancies in the Electoral Code which are permanently pointed out by the OSCE, leave room for opposing interpretation and inconsistent application of the electoral law. A contributing factor to this notion is the amendment of the legal framework in the period immediately prior the elections. According to the OSCE observation mission – that is not in accordance with good electoral practice and has an influence on the timely and consistent implementation of the law.¹⁷

Voters' List

The analysis shows that from 2009 onward, the EU noticed activities directed towards improving of the Voters' List, and this remark, together with the recommendation for cleaning up the List, persists until 2013 when the EU in its Report for 2013, concludes that - a thorough review of the Voters' List has been carried out, but the procedures for compiling and managing the List need to be additionally improved. The need for a thorough control and review of the

¹⁵ Criminal Code of Republic of Macedonia, 1996 (modifications and amendments in 1999, 2002, 2003, 2004, 2005, 2006, 2008, 2009, 2011, 2012, 2013, 2014, 2015).

¹⁶ "OSCE/ODIHR recommendations following the 2011 parliamentary elections were partially addressed through changes to the Electoral Code and to the Law on Financing of Political Parties in November 2012, and thorough revision of the voter lists. The Venice Commission found the amended Code to be an improvement especially as regards political party and campaign finance reporting, but stated that previous recommendations on thresholds for campaign donations, complaints and appeals procedures and arrangements for out-of-country voting had not been addressed.", European Commission, the Former Yugoslav Republic of Macedonia 2013 Progress report, p. 6.

¹⁷ Even though certain recommendations have been inserted in each amendment, according to the EU remarks –the Electoral Code is still lacking detailed provisions on crucial issues related to voter registration, Diaspora voting, candidate registration, carrying out the election campaign, financing of the election campaigns, media coverage of the elections, and objections and complaints related to the elections.

Voters' List is observed also by the OSCE in its reports. These remarks in the OSCE documents recur year after year and they are clearly indicated.¹⁸

4) Access to information (Media environment)

The free flow of information is necessary during the election campaign. The problems with the media and their objectivity are evident in all EU reports, with an insignificant discrepancy during the period from 2010-2014, when they were not strongly emphasized in compare to the previous years.¹⁹

Unlike the EU, the OSCE approach regarding this issue is more detailed and consistent, and specifically and clearly indicates the inadequacies that need to be addressed. The remarks mainly refer to the free access to information, equality, transparency and the provision of a flow of information.²⁰

1) Free exercise of the voting right (electoral process)

Free voting

Concerning the voting right and its exercising, EU in its progress reports mainly concludes that except in 2008 – when it observed cases of organized violence – the elections were held free and in a peaceful atmosphere.²¹

¹⁸ “Longstanding OSCE/ODIHR and Venice Commission recommendations that a thorough voter list audit be undertaken remain relevant”, OSCE/ODIHR Election Observation Mission Final Report, The Former Yugoslav Republic of Macedonia early parliamentary elections 5 June 2011, p.2.

¹⁹ “The media covered the campaign extensively, but several broadcasters, including the public broadcaster, did not provide balanced coverage of the campaign. While there was greater confidence in the accuracy of voter lists, the procedures for compiling and maintaining the lists can be further improved”; See European Commission, the Former Yugoslav Republic of Macedonia 2013 Progress report, p. 6.

²⁰ “A wide range of media provided voters with diverse and extensive coverage of the campaign, enabling voters to make an informed choice. However, the majority of broadcasters followed partisan editorial policies, frequently blending fact and editorial comment. OSCE/ODIHR EOM media monitoring revealed that the quantity and content of campaign coverage by the public television broadcaster significantly favoured the governing parties, which is contrary to legal obligations and the mandate of the public broadcaster”, OSCE/ODIHR Election Observation Mission Final Report, The Former Yugoslav Republic of Macedonia early parliamentary elections 5 June 2011,p.2; “While noting the large number of outlets, several OSCE/ODIHR NAM (Needs Assessment Mission) interlocutors expressed concern about the quality of journalism and partisan editorial policies in public and private media”, OSCE/ODIHR Needs Assessment Mission Report, The Former Yugoslav Republic of Macedonia, Municipal Elections 24 March 2013 p.8; “...media monitoring showed that the majority of monitored media was largely biased in favour of one ruling party and its presidential candidate and mainly negative against the main opposition party and its candidate. The public broadcaster did not provide balanced and equal coverage to all candidates and parties, thus challenging paragraph 7.8 of the 1990 OSCE Copenhagen Document”, OSCE/ODIHR Election Observation Mission Final Report, The Former Yugoslav Republic of Macedonia, Presidential and early parliamentary elections 13 and 27 april 2014, p. 3.

²¹ The finding of the OSCE/ODIHR election observation mission was that the elections were competitive, transparent, and well-administered throughout the country. On election day, the voters were able to freely express their choice in a peaceful atmosphere from a diverse and pluralistic choice of candidates. Freedom of expression, movement and assembly was respected,” European Commission, The former Yugoslav Republic of Macedonia 2011 progress report. p. 5.

In this respect, in further progress reports, EU is referring to the OSCE reports, which indicate all the obstructions related to the exercising of the voting right²², especially in 2015.

The analysis of the EU reports shows a visible change of rhetoric of the European Union towards the Republic of Macedonia, especially in the period between 2010-2015. This discrepancy is particularly visible in comparison to the EU report for 2015, where serious violation of the election process was emphasized and accompanied with indications of manipulation of the voter list, vote buying, threats against voters and against civil servants as well as preventing voters from casting their votes.

5) Investigations and proceedings in regards the obstruction of the voting right (complaint and appeal)

Achieving justice

This segment of the analysis marks the biggest differences and oscillations of EU policy towards elections and the exercise of the voting right. In 2006, it is clear and targeted in supporting the establishment of key conditions for free and democratic elections in the Republic of Macedonia, including carrying out the justice in order to increase the citizens' trust in the election process; to investigate the irregularities and address them in order not to reappear in the future.²³ This has changed between 2011 - 2015, when the accent in the reports is placed on more general issues connected with OSCE findings and political processes in the country (for ex.: inadequate separation between state and party, need to reform the Electoral Code, the Law on Financing Political Parties, and similar).

In 2015, EU pointed out the gravity of the situation revealed via the illegal wiretapping scandal.²⁴

6) Administrative aspects (election administration)

General assessment of the elections

²² "...concerns were expressed about possible intimidation of voters and misuse of administrative resources, particularly in minority communities and in closely contested races"; OSCE/ODIHR Needs Assessment Mission Report, The Former Yugoslav Republic of Macedonia, Municipal Elections 24 March 2013, p.2.

²³ "The courts sentenced 65 perpetrators of irregularities in the 2008 early parliamentary elections. Regarding the irregularities in the 2009 presidential and local elections, no charges were pressed", See European Commission, the Former Yugoslav Republic of Macedonia 2010, Progress report, p. 8.

²⁴ "These communications included discussion of manipulation of the voter list, vote buying, voter intimidation, including threats against civil servants and companies, and preventing voters from casting their votes. As set out in the 'Urgent Reform Priorities', the outstanding OSCE/ODIHR recommendations need to be fully implemented before early elections are held in April 2016. Despite the commitments in the political agreement, negotiations on electoral related reforms were lengthy and difficult. Political and legal action rather than legislation is needed to address the other issues which have been brought to light", See European Commission, the Former Yugoslav Republic of Macedonia 2015, Progress report, p. 5.

The EU reports, during the period from 2006 to 2015, are indicating that elections were efficiently administered, that they are competitive, transparent and key standards have been fulfilled,²⁵ i.e. they have been conducted in “relatively” good manner.²⁶

Discussion

It is more than obvious that democracy, established as an EU value, is understood and implemented differently among the countries that are not EU member states, particularly among the countries that are a part of the former Eastern Bloc and now part of the so-called “Western Balkans”. Considering the fact that the EU cannot forcefully impose the democratic principles, it introduces them as a precondition for EU accession, monitors their fulfilment and present the findings in the countries progress reports.

The elections are the foundation for the legitimacy of a political process, but the directions in the EU policy towards Republic of Macedonia in this respect are inconsistent with what the EU stands for behind the value of democracy. Specifically, if the election process is divided and analysed through various parameters and preconditions for its efficiency, as it is displayed above, the analyses of the EU Reports shows a vast number of contradictory messages that create the sense that the EU accepts situations and violations of the election processes that are beyond the democratic standards. That means that in the analysed period the EU actually “turned a blind eye” to what was happening in the Republic of Macedonia. As a support to this statement - it is inconceivable to declare that “elections were held in a good and peaceful atmosphere”, and at the same time to point out the connected situations or violations that were ignored and not sanctioned in the political and legal system - such as threats and murders - because of the inefficiency of the judiciary. The violence that appears in different

²⁵ “Overall, the country continues to sufficiently meet the political criteria. The municipal elections in March / April 2013 were assessed by the OSCE/ODIHR as professionally and efficiently administered while noting the blurring of the distinction between state and party and recommending further amendment of electoral legislation”, European Commission, the Former Yugoslav Republic of Macedonia 2013, Progress report, p. 1; “The OSCE/ODIHR reported, however, that allegations of voter intimidation and misuse of state resources persisted throughout the election campaign, and that the distinction between state and political party was blurred”, p. 6 (the same OSCE report); “The presidential and early parliamentary elections of April 2014 were assessed by the OSCE/ODIHR as efficiently administered, but affected by lack of separation between state and party activities and biased media reporting.” European Commission, the Former Yugoslav Republic of Macedonia 2014, Progress report, p. 2; “The finding of the OSCE/ODIHR election observation mission was that the elections were competitive, transparent, and well-administered throughout the country. On election day, the voters were able to freely express their choice in a peaceful atmosphere from a diverse and pluralistic choice of candidates, (p.7) “Editors and journalists are faced with increasing undue political pressure and intimidation. “(same report p.16), European Commission, the Former Yugoslav Republic of Macedonia Progress report, 2011

²⁶ “On election day, organized violence, intimidation and stuffing of ballot boxes in predominantly ethnic Albanian areas prevented citizens from exercising their democratic rights. One person was killed and several others injured. The law was enforced selectively, and the authorities failed to prevent violence and intimidation. Senior ethnic Albanian police officers with affiliation to one of the political parties in government acted in a partial manner: policemen belonging to special police units participated in irregularities in favor of their political party”, European Commission, the Former Yugoslav Republic of Macedonia 2013, Progress report, 2008, p. 7; “...Nonetheless, the administrative aspects of the elections were managed relatively well...” (the same EU report p.7.)

forms, as in the abovementioned examples, directly determines the electoral political process and until specific legal actions are taken or until a final judicial award is reached in regards the proceeded cases, a positive statement about the election held - cannot be notified. This also refers to the observed effectiveness of the held elections, which exclusively refers to the administration and the administrative aspects - not to the essence of the election process and the basic elements that it needs to fulfil. Questionable Voters' List, inconsistent and contradictory Laws, media that are not independent, as well as obstacles in free exercise of the voting right– that are persisting in the past 10 years, under no circumstances can be an indicator of effectiveness or success of the election process. The international standards that exist in the relevant area have to be met in complete. There is no middle ground and the partial fulfilment means non-fulfilment of the standards. The elections cannot be efficiently conducted if the candidates are unable to lead a free election campaign without obstructions, if the freedom of assembly and association is not respected, and if equal conditions for competition of the political parties are not provided. The latter is generally resulting because the lack of clear separation between the governing political party and the State, and the inefficiency of the judiciary to react accordingly and sanction the situation linked with threats and voter intimidation, before and during the elections. Therefore, the shortcomings that are obvious and exist according to all parameters- except formally - do not show the success in conducting the elections in the analysed period.²⁷

V. Conclusion

To conclude, the EU Foreign policy is inconsistent towards Republic of Macedonia in reference to the promotion of its democratic standards in the country. This is seen from the EU Progress reports in the part of organizing and conducting free and fair elections. The inconsistency is generally referred to the fact that Union prefers noting in its reports the formal aspects of the whole electoral process instead of the crucial or basic aspects. Namely, crucial facts or elements of the electoral process are being neglected, while formalities are more often discussed, and the successfulness of the electoral process generally is being evaluated through administrative parameters.

²⁷ In all the previous reports EU tend to overuse the term “relatively” in many aspects of the Progress reports without pointing of the clear meaning. The fact that the formulations used by the EU in its reports were inadequate can be observed in the so-called “Prbe Report”. In this Report, the elections and the media are one of the five most sensitive areas, and the recommendations refer to system shortcomings. The Report also refers to the European values, among which is democracy, and strict respect is requested, because it is essential for a candidate country. See more in the “Recommendations of the Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed in Spring 2015”, Brussels, June 2008. <http://ec.europa.eu/enlargement/news_corner/news/news-files/20150619recommendations_of_the_senior_experts_group.pdf>;

It is necessary to say that besides being an observer to elections, the role of the European Union consists in promotion and stimulation of democratic standards aiming to prepare states for EU membership. For what concerns countries that have low performances in implementation, the role of the EU is to help them reach such goals. The above described EU approach towards Macedonia, that is the omission of pointing out what are the basics for democracy and its contents, as well as the lowering of the democratic standards in the process of reporting and preparation of the EU progress reports – incurs and inflicts permanent damage to the democratic progress of the state. Taking a stand of this oversight, the EU is relativizing objectionable elements that are repeated on a yearly basis, expressed through vague and often contradictory statements without being clear about the impropriety and unacceptability of those acts. This brings us to conclude that the EU indirectly has a negative contribution to the political crisis in the country. Thus it is acknowledgeable that the ambivalent rhetoric of the EU progress reports contributes to lowering the standards of democracy, and not their increment to the level of fulfilling the EU criteria for membership.

It is unquestionable that the responsibility for achieving the democratic standards is a main duty of the candidate country for membership, and that the institutions are obliged to undertake all necessary commitments in order to avoid repeating of the unlawful actions that weaken the process of democracy, however the Union too has an even higher responsibility because of its international role that it promotes in relations to third countries. The rules are made for all and are made to be respected in all circumstances, this gives stability to the political system of a state that represents the basis for an EU membership.

Finally, to answer the question posed at the beginning of the paper, we recognize that the EU's value of democracy as enshrined in its treaties, *acquis communautaire* and policies is partially reflected in EU's foreign policy towards Republic of Macedonia, in other words the EU lacks consistency and coherency in its policy of democracy promotion towards Macedonia. This inconsistency has a negative impact on Macedonia's political crisis and to a certain extent it contributes to its aggravation.

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