



## The EU and Macedonia's political crisis – another date with history?

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**A**lmost ten years since EU membership candidate status and 24 years after gaining independence, Macedonia is back to where it started. Yet again, Macedonian society must start to learn the basics of democracy, liberty and justice; the latest wire-tapping scandal is proof that the country is undergoing its most serious political crisis since independence.

The wire-tapping scandal that was uncovered by Zoran Zaev, leader of the largest opposition party SDSM, exposed the involvement of Prime Minister Nikola Gruevski and his cronies from the ruling VMRO DPMNE in massive electoral fraud and corruption. Recruitment into the public administration, for example, was allegedly done on the basis of securing votes for the governing party and public servants were dismissed solely because they did not support VMRO-DPMNE. Further, the means of gaining votes went from political pressure to switching off elevators in buildings so that elderly opposition party supporters would not turn out to vote.

The taped conversations also confirmed concerns raised in the EU Commission's Progress Reports for Macedonia about the partisan nature of state institutions and the judiciary and the suppression of the freedom of expression. The fundamental problem for Macedonia is how to build a well-functioning state when the basic separation of powers is abused and there is little understanding of democracy or the rule of law on the part of ruling elites.

The initial steps must be to restore trust in state institutions and rebuild the checks and balances of the system. The absence of democratic institutions can endanger the fragile stability, not only in Macedonia, but also in the wider Balkans region. As seen with the latest developments in Kumanovo, a fire can start very easily, and lessons from the past show how rapidly it can spread across borders. The European Union should act decisively – also in its own interests – and not pretend that fire in a neighbour's garden will not spread closer to home.

So far, EU involvement in finding solutions to the present political crisis in Macedonia has been slow, sporadic and timid.<sup>1</sup> While the country is faced with the systematic abuse and manipulation of

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<sup>1</sup> See more on the EU involvement in the crisis in the thorough analysis by Erwan Fouéré in CEPS commentary of 13 April 2015: *The Worsening Crisis in Macedonia -Waiting for EU leadership*.

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institutions by the ruling party, the EU's reluctance to act is striking. The first step was taken in the form of low-level mediation by the three Members of the European Parliament - Ivo Vajgl, Richard Howitt and Eduard Kukan, between the members of the governing party and the opposition, but not the leaders of the parties themselves. The events that followed the first meeting in Brussels in that format made it clear that the process could not continue without Albanian representatives. Moreover, the demonstrations against the government on May 17<sup>th</sup> presented the force of the civic platform, where the Students Plenum and non-governmental organisations joined opposition parties in the protest against the complete capture of the state by the ruling party. The civic platform is a dynamic force that brings new energy to the country and should not be ignored or left out of the process.

The fact that the Commissioner for ENP and Enlargement Negotiations, Johannes Hahn, joined the MEP trio in the mediation process between the leaders of the political parties in Strasbourg was welcomed and seen as bringing impetus that could give greater leverage to the mediation process. However, a couple of weeks later, Hahn's visit to Skopje and the outcome of eight hours of negotiations among top political leaders, with Hahn as mediator, left everyone puzzled. Although the details agreed upon during the meeting were kept secret, Hahn announced the plan for early elections in 2016. The Commissioner did not give details about which mechanisms should be used to investigate the allegations presented in the tapes and who should lead the country during the transitional period up to the elections. In a country riven by political crisis, elections should be the final step once numerous important issues are resolved by a transitional government not incriminated by the tapes released in the previous four months. Issues ranging from voting irregularities, electoral fraud, voting lists and the census need to be resolved before elections can take place. These should be the stepping stones on which fair and legitimate elections can be conducted in the country, but with all the irregularities dogging Macedonian institutions, this will be a painful process.

The next round of negotiations between the top political leaders under the auspices of Commissioner Hahn and MEP Ivo Vajgl was held in Brussels on June 10<sup>th</sup>, and was supposed to answer the question of who will lead the country in the period up to the elections. Since the party leaders were put in an unfair negotiating position – with the opposition party on one side and the two governing parties on the other – negotiations were doomed to fail. Macedonia's current political crisis goes much deeper than mere polarisation between the governing and opposition parties. The opposition now needs to build political peace in the country on sound democratic foundations. For that reason, the stumbling block of who should lead the country until the elections cannot be addressed in vague terms. The tapes presented evidence of massive electoral fraud, which together with the OSCE/ODIHR report on the 2014 elections should be a clear indication that fair elections cannot be conducted by a government led by the incumbent prime minister.

Once the recommendations of the Senior Expert Group on systemic rule of law issues relating to the communications interception and the urgent reform priorities were published by the Commission, the EU and the US ambassadors in the country started another series of meetings to bring the parties closer together, before a decision on transitional government is made. Restoring basic democratic values requires considerable patience and hard work, mainly from the domestic players, but also with greater involvement of the Union. Therefore, after the unsuccessful round of negotiations in Brussels on June 10<sup>th</sup>, the EU might consider a different approach to the present Macedonian crisis. A high-level mediator appointed by both Commissioner Hahn and EU High Representative Mogherini, which will be more intensely involved in the process of negotiations and afterwards in the process of resolving the contentious issues, could be considered as an option.<sup>2</sup> This might give the EU greater leverage in the negotiating process.

Moreover, dealing with the content of the tapes is an issue of pivotal importance. A full and independent investigation of all the allegations in the tapes must be conducted. The fear that the partisan of the judiciary can influence this process is not unfounded and needs to be overcome by strict

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<sup>2</sup> See the suggestions on the four tracks the EU engagement has to include in: Florian Bieber, *How to make EU mediation work in Macedonia in Balkans*, Europe Policy Blog, available at: <http://www.suedosteuropa.uni-graz.at/biepag/node/153>

international monitoring. Any expectations that Macedonia's deeply politicised judiciary will investigate the allegations transparently in an independent, unbiased and credible manner are unrealistic, as the tapes themselves reveal. Until the legal process dealing with the allegations is complete, all public figures incriminated by the tapes must act responsibly and be made accountable for their actions through alternative mechanisms.

Stronger EU involvement in the solution to the present political crisis in Macedonia might just revive the momentum in the EU's enlargement process. The Union can still use the proverbial 'stick' of not issuing a positive recommendation to open accession negotiations when the Enlargement Strategy is adopted. But the proverbial 'carrot' of starting negotiations once the crisis is over should be used to give the EU an advantage in dealing with the vacuum of democracy in Macedonia. Keeping the country waiting in the queue longer than it already has will only intensify the democratic deficit.