

## THE SPECIFICITY OF THE MACEDONIAN EXAMPLE OF “STATE CAPTURE”: Ruminations following the Second Priebe Report

The system of a captured state, specific for the Macedonian version of “illiberal democracy,” is that of the *executive branch subordinating or “holding in captivity” the legislative branch and the judiciary*. We, the researchers of ISSHS, have demonstrated and analyzed this phenomenon in several of our previous publications (such as “Technology of State Capture,” 2015). The center of our previous studies has been the analysis of the core techniques (or policies) that enable and sustain the form of state capture at issue. According to our findings, the subjugation of the parliament is of key importance for rendering as de facto absolute the power of the executive branch. This means that the system allows normalized legal abuse of power in the form of “blurring of party and state” by way of introducing laws that permit such actions. The abuse of state institutions by the ruling parties takes place in the form of “their partization.” This in turn means that being cadre of the ruling party or being in line with its ideology and rhetoric is required for one to prosper - not only in the public administration but in the private sector as well. Such processes are never explicitly divulged in the laws but they are still enabled in a perfectly legal way. The ruse of legal overregulation combined with occasional legal contradiction is used to camouflage many problematic practices that entail or come down to the blurring of state and party. According to our previous research referring to the former rule of VMRO-DPMNE and DUI, the laws proposed by the government are adopted by the parliament majority without a single exception. It remains to be seen if the methods and the system of policies that enable this specific type of “state capture” will be abandoned and replaced with properly democratic ones by the new government.

It is a common knowledge in Macedonia that the parliament is the voting machine to the government. But what is most worrying is that most of the informed public does not find this problematic. Thus, it goes without saying that

whatever the executive branch proposes must be accepted and approved by the parliament. One can only infer, as the Second Report of the Senior Experts’ Group [SEG] has, that:

This has been described as a type of “state capture” but is perhaps more precisely characterised as the capture of the judiciary and prosecution by the executive power. (Second SEG Report, p. 5)

Therefore not only the legislative branch but also the judiciary is subjugated by the executive branch. *The key instrument for capturing all institutions of the state, the economy and, finally, the society of Macedonia in a “illiberal democracy” is the subjugation and complete instrumentalization of the parliament*. In such way 1) a country can nominally endorse the EU Acquis and, by way of certain legal adaptations and “contextualizations,” 2) to augment the legislation with such details that make possible the absolute control of the executive branch. According to our previous comparative research this is the manner in which an illiberal democracy, such as Hungary, can still pass technically the criteria for its continued EU membership, and by the same token Turkey can still pass as a democracy, although it is apparently anything but that.

But what is at stake in the pursuit of an ever more dominant and increasingly absolutist status of the executive branch? The answer is: partocracy - the equivalence of party and state. Business and party interests are inextricable, whereas the institutions are instruments for the legal realization of the goals of the party-business hybrid. However, the intertwining of party, business and state in an illiberal democracy is different from the one which took place in the period of “transition.” There is a legal system which permits such blending and rule of law to be generally observed, but the legislation itself is problematic in the sense explained above. Moreover, the motivation is not merely financial gain – it is also ideological one. The ideology behind such blending offers a vision of a society of “law and order” vouched for by a strong leader. This is what underpins the blurring of state and party and enables the party control of business and economy. In a way, these countries have never really transitioned to a pluralist democracy, but found a way to formally parade as one while they substantially act as a single party state system. Such is the case of Macedonia.

For all the above stated reasons, it is important to decapture the state from the control of the ruling party - whichever it may be. In order to do so, what is urgently needed is the reversal of roles of parliament and executive branch. MPs and the institution of the parliament should be empowered. This can happen through introducing specific policies that will lead to a more pluralistic parliament, such as:

- 1) Changing the electoral model (with the intention of making it easier for the smaller parties to win seats in the parliament).
- 2) Introducing greater intra-party democracy.
- 3) Devising policy instruments that will enable overcoming of the asymmetry between the executive and the legislative branch (and the judiciary). (This will lead to effective dismantling of the existing system of state capture, not expecting reborn sense of integrity among the MP's and the judges.)

“Cleaning” the system from those with the “wrong” party affiliation, as the experts led by Reinhard Priebe note in their second report, will not bring about the desired changes but rather do the opposite:

Mistakes of the past should not be repeated and one form of state capture must not be replaced by another. (Second SEG Report, p. 3)

Unless the new government understands the urgency of change in attitude in the fashion thus described, the 3-6-9 Plan will remain a list of empty declarative statements.

