DEMOCRACIES LURCHING TOWARD AUTHORITARIANISM

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Abstract

This paper focuses on the trend of authoritarian populism and the decline of democracy around the globe, even in advanced democracies. Comparative analysis of authoritarian and liberal practices in the U.S. helps us to understand that no state is safe from the threats to democracy and the rise of authoritarianism. The paper will explore the state of political rights and civil liberties in North Macedonia from 2006 to 2017 under VMRO leadership which has been described as populist governance for various reasons: violating basic civil liberties and political rights, the impact on judicial independence, clientelism, and excluding the constitutional rule of checks and balances. The paper then provides an analysis of the last five years when democracy has partially improved under Social Democratic leadership from 2017 to 2022; takes a brief look at how democracy declined in America during the Trump years; and finally, proposes steps for how North Macedonia can continue the path of improving and protecting itself from the global trend toward authoritarianism.

Keywords: democracy, authoritarianism, populism, political rights, civil liberties, Republic of North Macedonia

1. Introduction

The global rise in authoritarianism, populism, and autocratic rule is well-documented in scholarly research and in the media. Authoritarianism is a clear threat around the globe, with a distinct decline in democracy even in advanced democracies. Just eight years ago, with America's first black president in office, it was hard to imagine the rise to power and election of Donald Trump, who openly expressed admiration for leaders like Vladimir Putin in Russia, Victor Orban in Hungary and Recep Erdogan in Turkey. Much to the amazement of the free world, Trump has steered the Republican Party to the brink of extremism. Trump is a clear threat to democracy, and even his candidacy encouraged autocrats and demagogues around the world. The recent Freedom House report describes the global trend toward authoritarianism, and documents 16 consecutive years of decline in democracy[1].

According to Freedom House, in the past year, 60 countries declined in their basic political freedoms; only 25 improved[2]. But one of the 25 that improved was the Republic of North Macedonia. In fact, as shown by the Freedom House annual reports, North Macedonia has steadily improved in its democracy scores over the past five years since the 2017 wiretap scandal. Freedom House rates people's access to political rights and civil liberties through its annual Freedom in the World report. Under the leadership of the Social Democrats, North Macedonia has improved in the annual reports from a score of 57 in 2017 to a score of 67 in 2022. While North Macedonia is still ranked "partly free," the trend is still slowly moving toward more access to political rights and civil liberties—a trend that should be encouraged and supported by the United States and the European Union. This paper will explore the state

of political rights and civil liberties in Macedonia from 2006 to 2017 under VMRO leadership; how democracy has partially improved under Social Democratic leadership from 2017 to 2022; will take a brief look at how democracy declined in America during the Trump years, and finally, will propose steps for how North Macedonia can continue the path of improving and protecting itself from the global trend toward authoritarianism.

2. Political Rights and Civil Liberties in North Macedonia: narrative of authoritarian populism

The decade leading up to 2016 has been characterized as an era of populism and autocracy in North Macedonia[3]. Beginning in 2006, the Prime Minister, Nikola Gruevski, and his ruling party VMRO-DPMNE[4] fostered practices disregarding the constitution and the checks and balances found in a modern democracy[5]. Elections in Macedonia were one of the biggest concerns during this period. Manipulations of the vote in certain areas of the country were a regular practice, and these manipulations took place during the early parliamentary elections in 2008, 2011 and 2014, where the observation mission of OSCE-ODIHR reported that key international standards were not met in Macedonia[6]. Inter-ethnic balances in Macedonia also were fragile and dangerous during the Gruevski administration,[7] and the situation regarding freedom of expression was also highly problematic. There was indirect state control of media output through government advertising and government-favoured media outlets, which were understood by the public as advertisements for the ruling parties[8]. Government restriction of journalistic activity drew international attention in 2013 when Nova Makedonija reporter Tomislav Kezarovski was arrested in May for allegedly revealing the identity of a protected witness in a murder case. He was kept in pretrial detention and then sentenced to four and a half years in prison in October 2013[9].

In February 2015, the Macedonian opposition leader, Zoran Zaev, released the latest of what he called information "bombs" about the government: a series of wiretapped conversations of Prime Minister Gruevski, the head of the secret service, and other senior officials. These conversations revealed discussions on government interference in the judiciary, the media, and the urban planning processes[10]. One of the major protagonists was the prime minister`s first cousin, Saso Mijalkov, who was head of the security and counter-intelligence agency, the UBK. The opposition claimed that the government and the UBK had been running a massive wiretapping program, monitoring telephone conversations of 20,000 Macedonians, including journalists, politicians, and religious figures[11].

The wiretaps fanned the flames of existing discontent and protest, resulting in an EU-brokered deal between the regime and the opposition that called for the resignation of Gruevski before the early elections that were to be held in April 2016. Gruevski resigned in January, but the elections were postponed until June 2016. In March 2016, many of Gruevski's closest collaborators were already under investigation (some even detained) by the Special Public Prosecutor's Office, an institution that was established as part of the EU-brokered deal. In a move that shocked the public and triggered yet another series of protests, counter-protests and even violence, Gjorgje Ivanov, the President of Macedonia and a close ally of Gruevski, pardoned all politicians facing charges[12].

Winning the election in 2016, Zaev, the head of the Social Democratic Union, sought to form a government for months, after reaching an agreement with the ethnic Albanian party, the Democratic Union for Integration. However, President Ivanov refused to hand him the mandate. The transition of power was delayed by the refusal of Ivanov to give the mandate to form a government to Zaev, who had the support of the majority in the Parliament. The period following early parliamentary elections in December 2016 was marked by tension and negative rhetoric, mainly from senior officials of VMRO-DPMNE, who criticized the State

Election Commission and accused some civil society organizations and some representatives of the international community of interference[13]. This delayed the election of the new president of the parliament until 27 April 2017. The election of Talat Xhaferi as the first Albanian President of the Parliament triggered violent attacks in Parliament, which were strongly condemned by the international community[14].

The new government was finally elected by Parliament on 31 May 2017. The new government has taken steps to address state capture, restore proper checks and balances, and consolidate democracy and rule of law. Since 2017 country has been undergoing changes in a more open political atmosphere. Efforts have been made to restore a culture of compromise by reaching out to all stakeholders, including the opposition, in an inclusive and transparent manner[15].

In 2018, Parliament ratified the Prespa agreement, including the promulgation of constitutional changes. In parallel to the implementation of the Prespa agreement, North Macedonia has continued to show its commitment to deliver tangible results in implementing EU reforms[16]. The period 2019-2020 was marked by the historic decision to open accession negotiations with the EU and by the accession to NATO. NATO members signed North Macedonia's Accession Protocol in February 2019, and in March 2020 North Macedonia became NATO's newest member[17].

During 2021, North Macedonia continued its efforts to strengthen democracy and the rule of law, including by activating existing checks and balances and through an outreach on key policy and legislative issues[18]. However, yet a new political direction in North Macedonia was the result of the local election that took place in two rounds on 17 October, and 31 November 2021. The governing Social Democratic Union of Prime Minister Zoran Zaev suffered a heavy defeat in municipal elections. Citizens voted for members of the municipal councils and mayors in 80 municipalities and the City of Skopje. From the first round, it became clear that the outcome of the elections would be drastically different from the previous local elections held in 2017, which had been won by the SDSM. In this election cycle, the opposition party VMRO-DPMNE, achieved a resounding victory, by winning almost every major city in the country including the city of Skopje. On a social level, the heavy defeat of the SDSM was seen as a demonstration of public dissatisfaction not only with the work of municipal councils and mayors, but also with the work of the government. On a political level, it destabilized the central government, which became clear when Prime Minister Zaev resigned on the 31 October 2021[19].

Much work remains to be done in North Macedonia to raise democratic institutions to be "free" and to deal with endemic corruption as is illustrated by one scandal in 2020 involving the Office of Special Prosecution. The Special Prosecution in Macedonia was set up in 2016 to rein in corruption and criminal conduct by officials. But the former Chief Special Prosecutor Katiaca Janeva was convicted in June 2020 in the first verdict in the so-called "racket case" concerning alleged extortion and abuse of office in the Special Prosecutor's Office[20]. Unfortunately, corruption is still prevalent in many areas and a more proactive approach from all actors engaged in preventing and fighting corruption needs to be ensured in North Macedonia.[21]

3. Even America is Not Safe from Authoritarianism

If we learned anything from the American elections of 2016 and 2020, it is that no democracy is safe from the threats to democracy and the rise of authoritarianism. With the election of Donald Trump to the American presidency in 2016, the United States began to see challenges to its basic civil liberties and freedoms. In its annual reports, Freedom House reported that the U.S. suffered a substantial erosion in its democratic institutions during the Trump presidency.

These threats to democracy included "rising political polarization and extremism, partisan pressure on the electoral process, bias and dysfunction in the criminal justice system, harmful policies on immigration and asylum seekers, and growing disparities in wealth, economic opportunity, and political influence"[22]. According to Freedom House, during the Trump administration the scores on political rights and civil liberties dropped from a score of 89 in 2017 to a score of 83 in 2022[23].

How did this happen in the world's most affluent and powerful democracy and how can demagogues like Donald Trump be identified before they become threats to democracy?

In their book, How Democracies Die (2018), Steven Levitsky and Daniel Ziblatt identify four basic indicators of authoritarian behavior by political leaders that potentially put democracies at risk: 1) Do they reject (or have a weak commitment to) the democratic rules of the game? 2) Do they describe their rivals as subversive, or opposed to the constitutional order? 3) Do they tolerate or encourage violence? 4) Have they supported laws or policies that restrict civil liberties, such as expanded libel or defamation laws, or laws restricting protest, criticism of the government, or certain civil or political organizations?[24]

Candidate Donald Trump in 2016 and President Donald Trump in 2020 indicated before both elections that he might not accept the election results. Trump has also had a life-long propensity for suing his rivals, opponents and critics. Trump also perfected the "lock her up" chant to motivate and incentivize his base when campaigning against Hillary Clinton in 2016. Most seriously, as the January 6 videos of Trump bear out, Donald Trump actively encouraged the violence that result in the attack on the American Capitol on January 6, 2021[25]. Levitsky and Ziblatt argue that candidates like Trump who say they may not accept election results, who call their opponents unfit or criminal, who incite violence, and who sue their critics and opponents are a threat to democracy and should be called out as autocrats before they are elected.

However, this approach did not work so well for the few Republicans in 2016 and the fewer Republicans in 2020 who had the courage and integrity to oppose Trump and to warn of his autocratic pattern of behaviour. Now, Trump has co-opted the Republican Party, which under his sway, has tacked to the hard right. Opponents are now beginning to refer to Republicans as "the Authoritarian Party."[26]

Certainly, there were many reasons for Trump's success in 2016, but one of those was his clever use of social media. Trump was not the first American politician to use social media, but he was the first to exploit it so brazenly with lies, exaggeration, conspiracy theories, and fearmongering. As Jonathan Haidt observes in an article about the effect of social media on the state of American culture and thinking, "Trump was the first politician to master the new dynamics of the post-Babel era, in which outrage is the key to virality, stage performance crushes competence, Twitter can overpower all the newspapers . . ., and . . . truth cannot achieve widespread adherence"[27].

We will never know if Trump would have won the 2016 election without the help of his Twitter account. But the lesson to be learned is that social media has the potential to influence elections in a way that was never imagined even ten years ago and can be used to virally spread disinformation. Social media regulation is much needed and is overdue but is about to begin with the EU's ground-breaking Digital Services Act, which, among other things, will provide a clear accountability framework for online platforms[28]. Other democracies should take heed.

4. Beating the Trend: How Can NM Continue to Improve Political Rights and Civil Liberties and Avoid Lapsing into Authoritarianism?

Even though North Macedonia has far to go in fighting public and political corruption,

improving political liberties, and securing equality for all its citizens, the country has been trending in the right direction over the past five years. In this last section, we make proposals for how North Macedonia can continue to buck the global trend toward authoritarianism.

Secure trade, security, and development agreements

Having joined NATO, North Macedonia's borders are secure: unlike Ukraine, none of the historic aggressors in the Balkans will now dare invade/attack North Macedonia. Similarly, securing trade, security and regional agreements normalizes relations with neighbours and often these agreements come with conditions that require that members recognize and normalize political rights and freedoms.

Trade, security and regional agreements can also lead to economic improvements and development. As Lavrič and Bieber have noted: "democracy is seen as a logical institutional outcome of economic development and a related increase in existential security"[29]. In other words, attaining membership in larger communities such as NATO and EU-sponsored programs provide opportunities for improvements in economic security that make shifts to authoritarianism less attractive and less likely.

This process has already begun. In 2020, the European Commission adopted a comprehensive Economic and Investment Plan for the Western Balkans, which aims to spur the long-term economic recovery of the region, support a green and digital transition, foster regional integration and convergence with the European Union. The Economic and Investment Plan sets out a substantial investment package of funding for the region, including North Macedonia—and it does not require EU membership. It will support sustainable connectivity, human capital, competitiveness and inclusive growth, and the twin green and digital transition[30].

Similarly, in 2020, the EU-Western Balkans Summit was hosted by the Slovenian presidency of the European Council in Brdo pri Kranju, and brought together leaders from EU member states, the six Western Balkans countries of Albania, Bosnia and Herzegovina, Serbia, Montenegro, the Republic of North Macedonia and Kosovo. During the summit, EU leaders adopted a declaration, which reaffirmed the EU's unequivocal support for the European perspective of the Western Balkans. It sets out initiatives for sustainable development in the region and commitments to political and security cooperation[31]. The declaration also refers to a range of concrete deliverables benefiting the Western Balkans, including:

- the €30 billion Economic and Investment Plan.
- the pledge to boost COVID-19 vaccination rates.
- the path towards lower roaming costs.
- Green Lanes and Transport Community Action Plans.

As of this writing, North Macedonia has high hopes of beginning the accession process to join the European Union in June. Currently, Bulgaria is blocking North Macedonia's accession start in a dispute over historical identity issues. But whether North Macedonia is successful in joining the EU, it can pursue other trade, security and regional agreements that will promote economic development. Even if Bulgaria continues to block North Macedonia in the EU accession process, North Macedonia can achieve many of the same goals and attain much of the same developmental assistance that it would as a member of the EU by seeking and securing trade, security, and development agreements in the region.

Build coalitions among liberal and minority parties

Ecuador, Montenegro, and Slovenia all defeated autocratic regimes recently by building coalitions of parties that were previously opponents. As documented by Freedom House, in Ecuador, as president from 2007-2017, Rafael Correa oversaw declines in freedom of the press, judicial independence, and other civil liberties. But in 2021, a coalition of political adversaries banded together to support the opposition leader, Guillermo Lasso, who went on to win the presidency with just over 52 percent of the vote. Ecuador was just one of two nations that not only made progress towards democracy but ascended from partly free status to free status in the Freedom in the World 2022 report[32].

Similarly, in Montenegro, an opposition coalition came to power in 2020, ending three decades of rule by the Democratic Party of Socialists. Three blocs won a slender majority of 41 of the 81 seats in parliament in August 2020, ousting DPS. The new government began political reforms to enable more political competition, greater media independence, and greater oversight of the executive branch; but Montenegro's coalition government lost a vote of confidence on February 4, 2022 when the smallest block in the ruling coalition, Black on White, announced negotiations with all political parties to form a minority government[33]. But as of this writing, the latest news is that Dritan Abazovic, the leader of Black on White, became Montenegro's new Prime Minister on April 28, 2022, heading a minority parliament with one-year mandate to prepare for early elections next spring[34]. The proposal was backed by his own Black on the White block, the ruling Socialist People's Party, the opposition Democratic Party of Socialists, the Social Democratic Party, the Bosniak Party, the Social Democrats and two ethnic Albanian coalitions. Abazovic said his cabinet will focus on the fight against organized crime, warning there will be no untouchables in tackling corruption. He praised the April 18 arrest of the former president of the Supreme Court, Vesna Medenica, who was charged with abuse of office and membership of an organized criminal group[35].

And in Slovenia in parliamentary elections in April 2022, Europe's once surging movement of nationalist populists suffered another setback in April, and on the same day French voters rejected the far-right candidate Marine Le Pen in their presidential election. The right-wing Prime Minister, Janez Jansa, an ardent admirer of Donald Trump, lost to a coalition of centrist rivals[36].

In North Macedonia, the Albanian political parties are the kingmakers. VMRO and the Social Democrats are virtually in equipoise, which means that the minority parties have substantial political power and are needed to form a government. As in Ecuador and Montenegro, the minority parties will have more political power and strength by banding together to form coalitions that demand greater political liberties and equality for all Macedonians citizens.

Protect free and fair elections

To protect free and fair elections in North Macedonia, NGOs, political parties, and external poll watchers must ensure that all voters, minorities especially, know about elections, get to the polls, and have their votes counted. As the 2021 census now shows, counting the non-resident population, Albanians now comprise 29.5% of the population of North Macedonia[37]. The numbers swell even more if all minorities are counted. Including non-residents, the minority population now comprises more than 45% of the total Macedonian population. If minority parties banded together and voted as a bloc, they would have tremendous power in North Macedonia to extend and improve political liberties and equality to all Macedonians.

Support a free and independent media

Support for a free, unbiased, and independent media is the key to weeding out and naming public corruption in North Macedonia. As stated in the 2022 Freedom House report, one of the best ways to counter authoritarianism is a free and independent media that can provide fact-based information about current events, without fear from government. The EU, the United States, NGOs and the current North Macedonian government should encourage freedom of the press, including financial assistance for public-interest journalism, grant journalists access to elected officials, allow and promptly respond to freedom of information requests, and guard against state monopolization of media outlets[38].

Address and promote judicial independence and integrity

In his article, An Independent Judiciary: The Core of the Rule of Law, Canadian Justice F.B. William Kelly notes that the freedom from outside influences, is the primary ingredient for judicial independence and impartiality. "Only where an independent judiciary exists, can judges decide cases impartially and justly, because "the rule of law" requires that a judge not be apprehensive of repercussions or retaliation from outside influences"[39]. Justice Kelly continues that history demonstrates that the greatest danger of judicial interference comes from other government institutions or political parties. "An independent judiciary must not only be independent of these and other influences, but also it must appear to be independent. This is so because a court can only be truly accepted as a just one if it has the confidence of the public that it is just and fair. This concept gives rise to the famous adage 'justice must not only be done, but also must be seen to be done'"[40].
However, in a recent survey, less than14% of the North Macedonian public expressed trust in the Macedonian courts[41]. Of all government and civil society institutions surveyed, the public expressed the strongest levels of distrust in the courts (65%) and public prosecutors (62%) and registered higher levels of dissatisfaction with their performance fighting corruption[42].
A key concept in maintaining strong rule of law principles in a free and fair democracy is that the judiciary provides essential checks and balances on the other two branches. The most notorious recent example of this principle is in the American presidential election of 2020. If the American judiciary had not been impartial and independent, Americans would likely be living in a Trump autarchy right now. The American judiciary was able to withstand the Trump onslaught because of the long tradition of judicial independence and impartiality in the United States. Unfortunately, this tradition is largely missing in North Macedonia.
In his 2021 article, Judicial Culture and the Role of Judges in Developing the Law in North Macedonia, Denis Preshova concludes that "even though there is some awareness, there is no genuine culture of judicial independence that will enable the judiciary to fend off negative external and internal influences"[43]. He argues that unlike some central European countries, North Macedonia does not have a pre-socialist tradition of judicial independence that Macedonia judges can now return to. He also argues that though judges are aware of the doctrine of independence, "they are quite aware of who has the greatest influence in their election, promotion, material resources, or evaluation of their work, the political elites, and the executive. These negative influences, particularly in the cases of judicial promotions, which frequently are not based on merits but rather on other criteria, result in loss of enthusiasm and motivation even among proactive and progressive judges who end up being led by the notion of adapt or perish. To put it bluntly, fear and intimidation are far more dominant than the sense of independence among judges"[44]. Preshova further argues that in keeping with the "socialist legal tradition," judges view their roles with "restraint confining the role of judges only to mere application of the law without employing any form of

interpretation."[45]

Preshova observes that legal education and judicial training are the main vectors for introducing changes to the judicial culture and he makes six recommendations. These include: designing courses in legal education and judicial training that encourage creative and critical thinking; including judicial interpretation, legal writing, reasoning and research as specific curricula in legal education and judicial training; selecting instructors in judicial training who are not wedded to their socialist legal tradition; giving more focus and training on constitutional interpretation, the application of constitutional norms, and the importance of constitutional values and identity; and including curricula related to the status and effect of different sources of international law, and the indirect application of EU law[46].

5. Conclusion

Despite a history and culture of corruption and limited political rights and freedoms that apply to all citizens, North Macedonia has made slow, albeit modest progress toward democratic ideals and freedoms in the past five years. However, this progress is reversible—not just for small countries in the Balkans—but for all democracies—even ones as rich and powerful as the United States. But with foresight, planning, and strong leadership, North Macedonia could continue the path to strong democratic institutions that will strengthen its ties with the European Union, and its western allies in NATO, and result in a civil society that is truly free.

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