



POLITICAL CONTROL AND OVERSIGHT OF THE ASSEMBLY OVER THE GOVERNMENT AND OTHER HOLDERS OF PUBLIC OFFICE

The political control and oversight over the Government and other holders of public office, which are responsible in front of the Assembly, is one of the constitutionally defined competencies of the Assembly of Republic of Macedonia. The most important mechanisms to perform the control and oversight function of the Assembly are the following: parliamentary questions, interpellation, inquiry committees, vote of confidence in the Government, and oversight hearings.

PARLIAMENTARY QUESTIONS

Every MP is entitled to pose a question to the President of the Government of Republic of Macedonia, a member of the Government and other holders of public office who are responsible in front of the Assembly with regard to their work or work under their competence.

Questions are posed verbally or in writing. A verbal question is posed at session, while a written question is submitted through the President of the Assembly, during the period between two sessions.

Every last Thursday of a month, a special session of the Assembly is convened for parliamentary questions. The president and all other members of the Government must attend the session. The session is also attended by other holders of public office who were notified that question regarding their scope of work will be asked. If the President of the Government must leave the session due to objective and urgent reasons, the absence cannot last more than one hour.

An MP can pose three questions at the most during one session. When a parliamentary question is posed, it cannot last for more than ten minutes, and the MP is entitled to state whether

s/he is satisfied with the answer, but not longer than three minutes. An answer to a verbal question cannot last more than ten minutes.

The order of asking parliamentary questions is set by the President of the Assembly following an agreement with the parliamentary group coordinators, in a manner that ensures 2:1 proportion in favor of the MPs from opposition parliamentary groups and the opposition MPs who are not organized in a parliamentary group.

In order to set the order, the MPs notify the President of the Assembly about the intention to ask a parliamentary question, i.e. 24 hours before the session at latest. MPs are not obligated to notify to whom the verbal question will be addressed, unless the question refers to a holder of public office who is not a member of the Government. In such case, the MP is obligated to inform to whom the question will be addressed, so that the holder of public office can be invited to the parliamentary question session.

Verbally addressed questions are answered at the session in the Assembly when the question was asked. The question which is addressed to the President of the Government is answered by the President or appointed representative of the Government; the question addressed to the member of Government is answered by the respective member of the Government, while the question addressed to a holder of public office is answered by the respective holder of public office.

As an exception, an answer can be provided in writing, if the representative of the Government, its member or holder of public office is not able to provide the verbal answer due to justified reasons. A written answer is provided within a period of twenty days. The written answer is submitted to the President of the Assembly, who immediately refers the answer to the member who asked the

question and all MPs. At the next following session for parliamentary questions, the President notifies the Assembly about the provided answer.

Following the received answer, the MP who asked the question is entitled to ask an additional question for three minutes. If the answer refers to a matter of secrecy, the Government, i.e. the holder of public office may propose that the answer is provided at the session of the Assembly which is closed for public. The Assembly decides about the proposal with two thirds majority votes from the total number of MPs.

There is no discussion on the parliamentary questions and answers, and there are no consequences when the answers are not satisfactory; however, parliamentary questions are important control mechanism for the publicity and the impressions made in public. The practice to broadcast the parliamentary sessions on television is a factor that gives an added value to this institute.

INTERPELLATION

Interpellation, unlike the parliamentary question, is a more complex procedure and instrument of political control over the Government, or over concrete holder of public office, which can result in jeopardizing the survival of the Government or loss of confidence in the Government. Although the purpose of interpellation is not to directly establish the individual political responsibility, but raise a discussion about matters of general interest for the country, the questioning of responsibility may follow if the interpellation is accepted.

Interpellation can be initiated by at least five MPs with regard to the work of a particular holder of public office, the Government or any of the members individually, as well as with regard to matters related to the work of state bodies.

Interpellation with an explanation is submitted only in writing and it is signed by all MPs that submitted it. It is submitted to the President of the Assembly, who immediately forwards it to the person it refers to. The entity to which the interpellation refers has the right to submit a written answer to the President of the Assembly, within 15 days from the receipt of the interpellation at latest.

Then, it is put on the agenda on the first following session of the Assembly, after the expiry of 15 days from the day of submission of the answer to the MPs. If the answer is not submitted within the specified deadline, the interpellation is put on the agenda of the first following session of the Assembly. MPs can withdraw the interpellation only before the discussion is started.

One of the MPs that submitted the interpellation has the right to explain the interpellation at the session of the Assembly for 20 minutes. The entity

to which interpellation refers to is entitled to provide an explanation on the written answer or provide verbal answer to the interpellation for 20 minutes, too.

The discussion about the interpellation lasts one working day until the list of MPs that want to take the floor is exhausted, whereby the order in which the MPs participate in the discussion is similar to the procedure for parliamentary questions. The discussion ends by voting that is an expression of (dis)satisfaction of the Assembly with the answer provided by the holder of public office or the Government, by 12:00am at the latest. If the Assembly accept the interpellation, a conclusion is reached that refers to the position regarding the allegations of the interpellation.

The absence of satisfaction does not cause any legal consequences for the Government or the holder of public office; however, it can serve as an introduction to initiate a procedure for political responsibility or to result in a resignation by the Government or the holder of public office. For instance, if MPs are not satisfied with the minister's explanation for whose work the interpellation was initiated and express the dissatisfaction during the voting, the interpellation can inflict moral consequences. It means that the minister him/herself can hand in a resignation, or the President of the Government may propose to the Assembly that the respective minister should be dismissed.

According to the Rules of Procedure of the Assembly, the discussion is interrupted if the confidence in the Government is questioned, if the Government i.e. holder of public office resigns or if the President of the Government submits proposal for dismissal of member of the Government for whose work the interpellation was submitted.

To date, in the history of the Macedonian parliamentary democracy, all interpellations have been submitted by the parliamentary opposition.

INQUIRY COMMITTEES

Inquiry committee is a mechanism that ensures an ex-post control over the Government and other institutions which are held responsible in front of the Assembly.

An inquiry committee is a body which can be established by a decision of the Assembly in order to undertake the function of political control in all areas and all matters of public interest.

Proposal for establishment of an inquiry committee can be submitted by at least 20 MPs. An exception to this rule is the Committee for Protection of Civil Freedoms and Rights, which is a standing inquiry committee.

Terms of reference and composition of inquiry committees are specified by the decision for

establishment, whereby presidents of inquiry committees by rule are from among the MPs from the opposition parliamentary groups.

Inquiry committees are formed in order to establish facts and situations related to controversial matters, which are under the competence of ministries and other state authorities. An inquiry committee has a task to inspect the documentation, make analysis of each separate event or case and present the findings in front of the Assembly. Inquiry committees cannot have investigative and other judicial functions. However, the findings of the inquiry committees may be the base to initiate a procedure to call to account the holders of public office.

QUESTION ON CONFIDENCE IN THE GOVERNMENT

Question on confidence in the Government is the most powerful instrument of the Assembly to control the executive branch of power.

A question on confidence in the Government can be initiated by at least 20 MPs in writing along with an explanation about the reasons.

The Assembly may vote non-confidence with a majority of votes from the total number of MPs (absolute majority). Although the procedure for question on confidence in the Government is relatively easy, the practice shows that rarely non-confidence in the Government can be voted. In the case of the Macedonian parliamentarism to date, non-confidence has been voted only in one Government.

The question on confidence in the Government can be also initiated by the President of the Government in writing or verbally at the session of the Assembly.

The President of the Assembly immediately submits the question on confidence to the MPs, the Government and the President of the Republic. When the question on confidence is asked verbally at the session of the Assembly, the President of the Assembly notifies the President of the Republic accordingly. The question on confidence can be withdrawn until the beginning of the session of the Assembly, where discussion is held about the question on confidence in the Government.

On the question on confidence in the Government, the President of the Assembly immediately convenes a session that is held on the third day from posing the question on confidence in the Government. The deadline starts to run the day following the day when the question on confidence in the Government was posed.

A discussion is held on the posed question on confidence in the Government. One of the MPs

who posed the question is entitled to explain the question on confidence in the Government for 30 minutes at the most. The order in which MPs take part in the discussion is determined through agreement between the President of the Assembly and the parliamentary group coordinators before the start of the session. In the course of the discussion, an MP can take the floor several times with total duration of 15 minutes, and the parliamentary group coordinator for total of 20 minutes.

The Assembly votes for non-confidence in the Government after the expiry of the third day from posing the question on confidence. In case when the question on confidence in the Government is posed verbally by the President of the Government at the session of the Assembly, the Assembly votes for confidence at the same session. The President of the Government has the right to address the Assembly before the confidence vote. If non-confidence in the Government is voted, the President of the Government hands in a resignation to the Assembly within 24 hours from the non-confidence vote. The President of the Assembly immediately notifies the President of the Republic about the voted non-confidence in the Government and the handed in resignation. The Government for which non-confidence was voted shall remain functional until the selection of new government. Another question on confidence in the Government cannot be posed before the expiry of 90 days from the last confidence vote. Before this deadline, the question may be posed only by majority of the total number of MPs in the Assembly of Republic of Macedonia.

OVERSIGHT HEARINGS

Oversight hearings are recent control mechanism which was introduced for the first time in the Law on the Assembly of Republic of Macedonia, which was adopted in August 2009. Accordingly, starting from January 2010, oversight hearings are held on regular basis in the Assembly of Republic of Macedonia.



Oversight hearing on the topic "Use of Pre-accession Assistance Instrument-IPA funds in Republic of Macedonia"

Oversight hearings are held in order to obtain information and expert opinion with regard to the creation and implementation of new policies, enforcement of laws and other activities of the Government and the state administration bodies. An oversight hearing is carried out by the respective working body of the Assembly that includes the subject of the oversight hearing in the scope of its work.

The respective working body can invite authorized representatives of the Government or the state administration bodies at the session and ask them to provide information and explanations regarding the subject of the oversight hearing. Other individuals who can provide information about the questions which are subject of the hearing can, also, be invited at the oversight hearing.

The president of the working body notifies the President of the Assembly about the scheduled oversight hearing, who then notifies the Government in writing with a request for appointment of authorized representatives for the questions which are subject of the oversight hearing. Then, authorized representatives are invited in a written form to the session of the working body when the oversight hearing will be held by the president of the respective working body. He can also ask the authorized representatives to submit the requested information, opinions and positions in written, at

least three days before the session of the respective body is held.

The initiative for oversight hearing can be given by one member of the respective working body. The working body decides about the oversight hearing with a majority of votes of the present members, and at least one third of the total number of members. In situations when 15 MPs submit a written request for an oversight hearing, the president of the working body is obligated to schedule the hearing immediately. The President of the Assembly with the vice-presidents and parliamentary group coordinators can also make a recommendation for organization of certain oversight hearings to the president and members of the respective working body.

In the course of the discussion, members of the respective working body, as well as MPs who are not members of that working body can address questions to the authorized representatives of the Government, to the state administration bodies and other individuals who have been invited to the hearing only in relation to the question which is a subject of discussion.

After the end of the oversight hearing, the working body submits a report to the Assembly, which includes the essence of the presentations, and can also propose conclusions that are also submitted to the Government of Republic of Macedonia. By rule, conclusions are posted on the website of the Assembly of Republic of Macedonia.

- Every parliamentarian is entitled to address questions to the President of the Government and other holders of public office who are responsible in front of the Assembly with regard to their work and the work under their competence. Special session of the Assembly is convened for parliamentary questions on the last Thursday in the month.
- At least five MPs can make interpellation with regard to the work of particular holder of public office, Government or each of its members separately, as well as for the work of the state bodies. The interpellation itself does not cause legal consequences for the Government or the holder of public office; however, it can serve as an introduction to an initiation of a procedure for their political responsibility or to result in their resignation.
- Based on a decision, the Assembly can establish inquiry committees for all areas and matters of public interest. Proposal for establishment of inquiry committee can be made by at least 20 MPs.
- The Assembly can vote for non-confidence in the Government. Question on confidence in the Government can be posed by at least 20 MPs, while the decision for non-confidence vote is reached by absolute majority.
- Oversight hearings are held in order to obtain information and expert opinion with regard to the creation and implementation of policies, enforcement of laws and other activities of the Government and state administration bodies.