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Country Specific Report: Macedonia
The Role of Human and Minority Rights in the Process of Reconstruction and Reconciliation for State and Nation-Building: Macedonia
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The author was affiliated to the European Academy of Bolzano/Bozen (Italy) one of the partners in this project.

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MIRICO: Human and Minority Rights in the Life Cycle of Ethnic Conflicts
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1. Introduction

Having presented the main historical and background information on the Macedonian conflict in the previous country reports in this research project, and prior to proceeding with the analysis of the role of human and minority rights in the process of reconstruction and reconciliation, a summary of the conflict phases and their time frame should be presented.

The pre-conflict phase in Macedonia lasted from 1991-2001. It consisted of the policies of “peace and coexistence”, gradual concessions, corrupt exchange, and short outbursts in the use of force. This strategy of “peace and coexistence” with the ethnic Albanians was not successful, as they did not accept to be a “national minority” with equal standing to others as individual citizens. Instead they demanded the group status of a constituent nation. At the very beginning of Macedonia’s independence ethnic parties were formed. In addition, the emerging civil society became ethnically divided. Therefore, integration as a method of “eliminating differences” could not be implemented. In order to preserve fragile inter-ethnic relations in Macedonia, the ethnic conflict was managed through a combination of gradual concessions in favor of the ethnic Albanians’ requirements, coercive means, and corrupt exchanges between ethnic elites.

The phase of armed conflict lasted from February to August 2001. The armed conflict itself encompassed two stages. Stage one lasted from February to the end of March 2001. “Crisis at that stage was clearly imported from Kosovo.” The second stage stretched from early April through mid August 2001. In that period, domestic ethnic Albanian fighters emerged and joined the insurgency.

The post-conflict phase began with the signing of the Ohrid Framework Agreement (OFA) on 13 August 2001. The post-conflict situation entered (or reversed) into a new phase with the armed clashes of November 2007 between the Macedonian security forces and armed Albanian guerillas, supported by the “Albanian Liberation Army.”

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1 For a detailed overview see Zoran Ilievski, “Country specific reports on conflict settlements, The case of Macedonia”, MIRICO WP3 p. 9-16
3 The Chief of General Staff of the Army of the Republic of Macedonia in 2001, Pandel Petrovski claimed in a TV interview (Kanal 5 TV, 16 May 2006) that domestic ethnic Albanians joined the insurgency in May 2001. Nevertheless, both sources recognize that in the first month, the violent conflict did not involve ethnic Albanians from Macedonia, but from Kosovo.
4 See Zoran Ilievski, “Country specific reports on conflict settlements, The case of Macedonia”, MIRICO WP3, p.18-21
5 See Chapter II.
2. Concepts and Definitions Relevant to Human and Minority Rights, Considering Reconstruction, Reconciliation, State and Nation-Building

Following the constitutionalization of the OFA provisions, and the disbanding of the NLA, accompanied by an amnesty to all of the NLA members who had not committed war crimes, the ethnic conflict in Macedonia moved to a new phase. This phase required reconstruction and reconciliation. Property destroyed during the armed conflict was reconstructed with the help of the international community (especially the EU through the European Agency for Reconstruction [EAR]). Macedonia entered a period of gradually stabilizing inter-ethnic relations, despite some frustrations with the OFA on both sides. The international community was present in Macedonia through peacekeeping operations. These were first conducted under a NATO command, and were later transferred to an EU military mission through the end of 2003. The EU and the OSCE provided training for police cadets and civil servants from minority ethnic communities employed in Macedonia’s public administration.

2.1. Key concepts

Prior to proceeding with an analysis of the reconstruction and reconciliation process after the OFA, we will present definitions of the key concepts of conflict theory: ethnic conflict, war, peace, conflict management/regulation, settlement, resolution, transformation and reconciliation. Wolff argues that ethnic conflict is a specific type of conflict, “that in which the goals of at least one conflict party are defined in (exclusively) ethnic terms, and in which the primary fault line of confrontation is one of ethnic distinctions.” “War” can be defined as intense and protracted militarized violence that results in over 1,000 deaths. “Moderate conflict” is a broad category meant to capture the middle ground between war and peace. It encompasses such actions as ethnic riots, inter-communal clashes, state-sponsored repression, and brief episodes of militarized violence (such as the ten-day war in Slovenia that left eight dead). Finally, cases of “peace” are marked by the complete absence of bloodshed and the use of institutions to mediate ethnic differences. What is not implied by the “peace” category is interethnic harmony or dominant group generosity. 6 Conflict management (and the associated term “conflict regulation”) can be defined as the “attempt to contain, limit, or direct the effects of an ongoing ethnic conflict on the wider society in which it takes place.”7 In contrast, conflict settlement aims at:

Establishing an institutional framework in which the conflicting interests of different ethnic groups can be accommodated to such an extent that incentives for cooperation and the non-violent pursuit of conflicts of

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The difference between conflict settlement and conflict resolution is that the latter “requires identifying the causal factors behind the conflict, and finding ways to deal with them.” To end or resolve a long-term conflict, a relatively stable solution that identifies and deals with the underlying sources of the conflict must be found. Resolution of a conflict implies that the deep-rooted sources of conflict are addressed, “changing behavior so it is no longer violent, attitudes so they are no longer hostile, and structures so they are no longer exploitative.” The term refers both to “the process (or the intention) to bring about these changes, and to the completion of the process, so it is difficult to avoid ambiguity about its precise meaning.” There is an on-going scholarly debate whether conflict transformation is an alternative to conflict resolution, or merely the last step in the conflict resolution process — understood as “the comprehensive term to encompass various approaches and methods used to handle conflict non-violently at all levels in society.” Nevertheless, it is clear that conflict transformation means working on achieving the deepest levels of change in personal, relational, structural and cultural relations in society. This approach means transforming a conflict “from violence and destruction into a constructive force which produces social change, progressively removing or at least reducing the conditions from which the conflict and violence have arisen.” Peace that develops in this way will be deeply rooted and sustainable. Transformational interventions promote “non-violent mechanisms that reduce and ultimately eliminate violence, foster structures that meet basic human needs and maximise participation of people in decisions that affect them.”

Reconciliation is a rather new concept in the new field of conflict resolution. Nevertheless, “almost everyone acknowledges that it includes at least four critical components identified by John Paul Lederach -- truth, justice, mercy, and peace.” As a:

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10 Centre for Conflict Resolution, “Introduction to Conflict Resolution: Draft Distance Learning Course”, (Bradford, UK: Department of Peace Studies, 2000), <http://www.brad.ac.uk/acad/confres/dislearn>
11 Ibid.
12 John Paul Lederach, the founder of the conflict transformation theory argues that “conflict resolution” implicitly implies that conflict is “bad” and should be ended, while conflict transformation sees conflict as a motor that can be geared to constructive change. See Lederach, John Paul and Michelle Maiese. “Conflict Transformation.” Beyond Intractability. Eds. Guy Burgess and Heidi Burgess. Conflict Research Consortium, University of Colorado, Boulder. Posted: October 2003 <http://www.beyondintractability.org/essay/transformation/>.
13 Centre for Conflict Resolution, “Introduction to Conflict Resolution: Draft Distance Learning Course”, (Bradford, UK: Department of Peace Studies, 2000), <http://www.brad.ac.uk/acad/confres/dislearn>
14 Ibid.
15 Ibid.
Backward-looking operation, reconciliation brings about the personal healing of survivors, the reparation of past injustices, the building or rebuilding of non-violent relationships between individuals and communities, and the acceptance by the former parties to a conflict of a common vision and understanding of the past. In its forward-looking dimension, reconciliation means enabling victims and perpetrators to get on with life and, at the level of society, the establishment of a civilized political dialogue and an adequate sharing of power.\textsuperscript{17}

Reconciliation is not an event but a process. It is not a linear process. It is a difficult, long and unpredictable one, involving various steps and stages. According to the authors of “Reconciliation After Violent Conflict,”\textsuperscript{18} the first stage is replacing fear with non-violent co-existence; the second step is building confidence and trust and the third step is achieving empathy. Johan Galtung would describe the cycle of post-conflict reconstruction and reconciliation in the following way:

In this complex of vicious cycles we can now identify three problems that can only be solved by turning the vicious cycles into virtuous cycles (notice the "re": again, again, and again):

[1] The problem of reconstruction after the direct violence:
[3] The problem of resolution of the underlying, root conflict;

If you do only one of these three without the other two you will not even get that one. Hegel was arguing reconciliation between Herr and Knecht without resolution; Marx resolution without any reconciliation. Reconstruction without removing the causes of violence will lead to its reproduction. Badly needed is theory and practice combining all three.\textsuperscript{19}

What are the models to implement this virtuous cycle according to Galtung? There are two possible models: three separate tracks for each task or one track for all three tasks. The first model:

[R]efers reconstruction to ‘developers’, reconciliation to theologians-psychologists, and resolution to jurists-diplomats-politicians; [t]he second model would fuse the tasks into one, based on a fundamental hypothesis: reconciliation can best take place when the parties cooperate in resolution and reconstruction.\textsuperscript{20}

After presenting brief background information on the cycle of ethnic conflict in Macedonia, as well as the theoretical foundations of conflict resolution, the next chapters will give a more detailed analysis of the actors and processes of ethnic conflict in Macedonia. The paper will focus particularly on the post-conflict phase and the reconstruction and reconciliation efforts. A special chapter will be devoted to the role of the international community and international organizations as factors in the reconstruction and reconciliation of post-(violent)conflict Macedonia.

\textsuperscript{17} David Bloomfield, Teresa Barnes, Luc Huyse (eds), \textit{Reconciliation After Violent Conflict: A Handbook}, International Institute for Democracy and Electoral Assistance (IDEA), p.19, \textless http://www.idea.int/publications/reconciliation/upload/reconciliation_full.pdf \textgreater

\textsuperscript{18} \textit{Ibid}.

\textsuperscript{19} Galtung, Johan. “After Violence: 3R, Reconstruction, Reconciliation, Resolution: Coping With Visible and Invisible Effects of War and Violence”, \textless http://www.transcend.org/TRRECBAHTM\textgreater

\textsuperscript{20} \textit{Ibid}.
2.2. Key Actors

The key actors in the Ohrid negotiations continued to play a crucial role in the post-conflict phase that followed. The Social Democratic Union of Macedonia (SDSM) was a signatory of the OFA and continued to give its full support in the post-conflict phase, both when it was in opposition (until 2002) and when it was in the government (2002-2006). The Internal Revolutionary Organization-Democratic Party for Macedonian National Unity (VMRO-DPMNE) also signed the OFA. Nevertheless, the party’s president had a negative stance towards the OFA and viewed it as an agreement forced onto Macedonia by the international community. When the current Prime Minister, Nikola Gruevski, took the presidency of the party in 2003, the party’s attitude towards the OFA changed. Since then they have been moderate supporters of the OFA.

The Albanian political campus supports the OFA, but the main Albanian political parties, the Democratic Union of Albanians (DPA) and the Democratic Union for Integration (DUI), are in extreme rivalry over which party contributed more to the advancement of the interests of ethnic Albanians in Macedonia. The DPA’s President, Menduh Thaci, has repeatedly stated that his party and their coalition with VMRO-DPMNE, would have achieved the same level of rights for the ethnic Albanians as those that the DUI (comprised mainly of the former NLA insurgents) won with bloodshed. Relations between these two ethnic Albanian parties are marked with hostility. There have been fights in Parliament between their members, and their supporters have clashed on several occasions with deadly repercussions.

The Former President of Macedonia, Boris Trajkovski, was a key domestic figure in the process of conflict management from 2001 until his tragic death in 2004. Although elected President as a candidate of VMRO-DPMNE under questionable circumstances, this ethnic Macedonian politician of a Protestant confession, distanced himself from the nationalist standpoints of his former party leader and Prime Minister Ljubco Georgievski. He then proved himself a champion of peace in Macedonia. He cooperated with all international actors, managed the peace process and chaired the negotiations that lead to the OFA. In addition, he used maximum restraint when authorizing military operations as Commander in Chief of the Army of the Republic of Macedonia (the ARM). In the post-conflict phase he regularly convened meetings with the leaders of the main ethnic Macedonian and ethnic Albanian political parties to seek a consensus on the OFA implementation agenda.

The EU and the USA are the last two key players in Macedonia’s post-conflict phase. Their involvement in the OFA negotiations was crucial, as was their role in post-Ohrid Macedonia. The EU’s carrot is Macedonia’s accession to the EU. Of course, the carrot is not offered whole, but sliced in smaller pieces – Commission progress reports, candidate status, date for the start of negotiations … Each advancement in the accession process is linked to an advancement in inter-ethnic relations, the rule of law, effective administration and a reformed judiciary. On the other hand, the USA’s big carrot is NATO membership, which basically poses the same political criteria as the EU. Both powers represent the international community in Macedonia and they play their roles with a uniform (previously agreed) position towards the domestic actors. The international community’s involvement in post-OFA Macedonia came to the fore when they de-blocked the adoption of OFA-related legislation. Parallel to this, the international community was financing a major part of the reconstruction activities in the war-torn areas. The international community was present in Macedonia through peacekeeping operations, which were first conducted under NATO command, and later transferred to an EU military mission through the end of 2003. The municipal
boundary referendum in 2004 was of major concern to the international
community. They were therefore implicitly active in the successful campaign
against the referendum. Finally, the international community brokered the “Skopje
agreement” in May 2007. For a detailed presentation of the international
community’s donor support in the period 2001-2007, see Chapter II.4 and Chapter
IV.

2.3. Key processes of Development in Post-Ohrid Macedonia

2.3.1. Amnesty for the Former NLA

On 7 March of that year, the Assembly passed the Amnesty Law, granting amnesty
to persons involved in the 2001 conflict until 26 September 2001, except those who
had committed war crimes and crimes against humanity.

2.3.2. Reconstruction of Destroyed Property

For a detailed presentation of the international community’s donor support for
reconstruction of destroyed property, see Chapter IV.

2.3.3. Referendum on Municipal Boundaries

Municipal boundaries in Macedonia were revised in the first half of 2004, in
accordance with the OFA’s decentralization provisions. This reduced the number of
municipalities from 120 to 84. The overwhelming majority of ethnic Macedonians,
as well as a large number of the most renowned ethnic Macedonian intellectuals
and civil society actors, opposed the revised municipal boundaries, labeling them
“ethnic gerrymandering”. They accused the governing coalition of pursuing secret
talks without public consultation or input, and without respect for the local
referenda that had opposed the revised municipal borders.\(^{21}\) The opposing forces
argued that these new borders were not based on economic, geographic or
administrative criteria, but that their sole purpose was to create municipalities
where ethnic Albanians would comprise more than 20%, thereby enabling them to
exploit the special provisions of the OFA. The World Macedonian Congress, a pan-
Macedonian diaspora organization, and the ethnic Macedonian opposition organized
the collection of 150,000 signatures in order to test these municipal border
revisions in a nation-wide referendum. By 23 August 2004, 180,454 signatures were
collected, and the referendum was scheduled for 7 November. The opposition
campaigned using the argument that voting against the new municipalities law was
not voting against the OFA or decentralization nor was it voting against Euro-
Atlantic integration. Rather, they argued that it meant voting only against the
manner in which the new law was negotiated and adopted. Their strategy,
however, was “simply to return to the law of 1996 without developing and
presenting an alternative vision for decentralization.”\(^{22}\)

The governing coalition (led by the SDSM and DUI) called upon the citizens
to boycott the referendum, pursuing a campaign with the slogan: “Some questions
don’t deserve an answer”. The government’s arguments were that these revisions
of the municipal boundaries reflect the spirit of the OFA, and that the law must be
passed if Macedonia was to proceed in its Euro-Atlantic integration. Although the
international community strongly and openly backed the position of the

\(^{21}\) There were 41 such referendums, all resulting in rejection of the new municipal borders.

\(^{22}\) Marko, “The Referendum for Decentralization in Macedonia in 2004 …”, p.26
Government, polls constantly showed that the referendum would be successful: the majority of voters would vote against the new Law on Territorial Organization. However, on 4 November 2004, just three days before the referendum, the USA surprisingly recognized Macedonia under its constitutional name. The referendum, held on 7 November 2004, failed because of the low turnout of 26.58%. It did not matter that 94.01% of that 26.58% voted against the revised municipal borders. Many connected the failure of the referendum with the USA’s recognition of the constitutional name of the country. The voters perceived US’s recognition as support for the position of the government on the municipalities law, and as a sort of American counsel not to push the country into further instability.

2.3.4. The ICTY Indictments

There can be no reconciliation without justice. The perpetrators of war crimes and crimes against humanity in 2001 must be brought to justice. In that sense, cases of alleged crimes and the international community’s responses should be analysed. In 2002, the ICTY Prosecutor requested that Macedonia send five specific investigations and prosecutions of alleged crimes committed by the National Liberation Army (NLA) and the Macedonian forces in 2001 to the International Tribunal. These were: 1. the “NLA Leadership” case (against the leadership of the NLA, for various alleged crimes committed in 2001); 2. the “Mavrovo Road Workers” case (against the NLA, three ethnic Macedonian construction workers were kidnapped and molested, allegedly by the NLA); 3. the “Lipkovo Water Reserve” case (against the NLA, allegedly shutting down the water supply to the city of Tetovo); 4. the “Ljuboten” case (against Macedonian security forces allegedly killing 10 civilians); and 5. the “Neprošteno” case (against the NLA, for alleged crimes committed against Macedonian civilians, including a number of mass graves discovered in the village of Neprošteno). Macedonian authorities complied with the ICTY request and sent these cases on 25 November 2002. On 15 March 2005, the ICTY released an indictment against Ljube Boskoski and Johan Tarculovski, both suspects in the “Ljuboten” investigation. Two days later, the Macedonian authorities extradited Johan Tarculovski, a member of the security forces operating in Ljuboten. On 24 March 2005, Ljube Boskoski, the former Macedonian Minister of the Interior, surrendered himself to the Hague Tribunal.

On 25 April 2005, the ICTY stated that the only indictment out of the five cases received would be in the “Ljuboten” investigation. There was no ICTY indictment in the other four cases, all against members of the NLA, and they decided to return them to the Macedonian courts by the end of 2006. Macedonian authorities keep postponing the date when they will receive the cases from the ICTY and process them through the domestic legal system. Representatives of the ethnic Albanian political parties, including the leader of the former NLA, now President of the DUI party, Ali Ahmeti have repeatedly stated that they recognize the ICTY and that, if needed, they will stand trial in The Hague. On the other hand, they have expressed reservations regarding the impartiality of the Macedonian judiciary and have repeatedly criticized it for being unreformed and of sometimes making “political decisions.”25 Given this situation, there is a real possibility that the trials of the former NLA members in Macedonian courts could be labeled as “political prosecutions” and that the fragile stability of inter-ethnic
relations could be shaken. The latest recommendations given by the International Crisis Group (ICG) warn of such a threat stating that:

The international community and Macedonia should lobby the Hague Tribunal to delay return of the four cases until at least late 2006 (preferably 2008) while donors work with the government to fast-track judiciary reforms, including specialised training for judges on serious crimes; crime scene investigation techniques; a viable witness protection program; and a court for serious crimes.”

Furthermore, when the time comes to hold these trials in Macedonia, the international community must monitor the trials and report on whether they were fair and performed completely in accordance with law. If the accused are proven guilty and sentenced though a fair trial, the international community must fully assert its political influence on the ethnic Albanian political factors so that they do not to take any steps that might endanger the stability of inter-ethnic relations in Macedonia.

2.3.5. The Siege of Kondovo

In a second significant event, which occurred at the same time as the referendum, an armed ethnic Albanian group, under the leadership of Agim Krasniqi, occupied the village of Kondovo, now part of the City of Skopje. He did not allow Macedonian security forces to enter the area. At that time, Krasniqi had been indicted for robbery, illegal possession of weapons and kidnapping — all acts committed prior to the 2001 armed conflict. As a former NLA commander, he demanded amnesty and the re-socialization of himself and his group of supporters. In public statements to the media, Krasniqi threatened to shell Skopje. His followers had also kidnapped and beaten up four police officers. The government elected not to use force to enter the village. Instead, members of both the governing and the opposition ethnic Albanian parties went to negotiate with Krasniqi in Kondovo. After the negotiations, Krasniqi and his group “laid low” for a couple of months, re-emerging in February 2005 and occupying the village until August of that year. After repeated talks with ethnic Albanian parties in Macedonia, the indirect involvement of the Government, and clear pressure from the international community, Krasniqi agreed to disband the armed men controlling the village and to appear before a magistrate to face his indictments. In a seemingly inexplicable turn of events, the magistrate withdrew all national and international warrants against him in return for Krasniqi’s promise that he would report to the court regularly. This judicial decision was widely criticized by both the ethnic Macedonian opposition and President Crvenkovski. The dominant public impression was that the withdrawal of his warrants was the “price” for the political settlement of the Kondovo crisis. To date, Krasniqi has not appeared before the court and his trial is held “in absentia”, since the police stated that Krasniqi is “unavailable and unreachable to be arrested.” This is the case despite his regular appearances at his party’s political campaigns (the DPA) organized only a few kilometres from the centre of Skopje. He was running for Member of Parliament in the 2006 Parliamentary Elections on the list of DPA (in Macedonia’s proportional

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26 ICG, “Macedonia: wobbling toward Europe”, (ICG Europe Briefing No.41, 12 January 2006), http://www.crisisgroup.org/home/index.cfm?id=3869&l=1
elections system), but his party did not win enough votes for him to enter Parliament.

2.3.6. The 2006 Elections and the “Skopje Agreement”

The DUI left the Macedonian Parliament on 26 January 2007 as a demonstration of protest that laws requiring the Badinter majority were passed without the DUI’s votes. This was possible with the votes of the ethnic Albanian DPA and votes from representatives of non-Albanian minority communities in Macedonia. The DUI demanded negotiations with the government on a range of inter-ethnic issues as a pre-condition for their return in Parliament. These included a list of laws that would be considered under “Badinter majority” terms, and demands for a law granting the same rights to the former ethnic Albanian insurgents, as those granted to the state security forces that clashed with them in 2001. On the other hand, the PDP left its coalition with the DUI and is negotiating to enter the government, although two of the three PDP members of Parliament continue to boycott this decision.

After strong pressure from the international community, the governing coalition attempted to negotiate with the DUI without success. The first condition the DUI posed for starting negotiations was that international representatives should be present at the negotiating table. The governing coalition first declined that requirement arguing that it would put Macedonia in the position of a soft protectorate. However, it later accepted the presence of international representatives at these meetings when the DUI’s return to Parliament was posed as a strong condition for the country’s expected invitation to join NATO. The international community’s strong pressure and conditionality terms, which stressed the role of “political dialogue,” meaning interethic dialogue, as a condition for joining these organizations, provoked fierce debates. The opponents of this concept stated that dialogue on such strategic issues for the country should not be “political” (understood in ethno-political terms, as between ethnic groups) but “institutional” (inside the institutions, through the established procedures). Nevertheless, the DPA gave the mandate for the negotiations to the Prime Minister and his party. Thus the negotiations were held between two sides — the largest governing ethnic Macedonian party, VMRO-DPMNE, and the largest ethnic Albanian opposition party, the DUI.

The DUI’s leader, Ali Ahmeti, first declared the results of these negotiations on 25 May in an interview for the BBC. He stated that he and the Prime Minister had reached an agreement on a number of issues, “including the legislation referring to securing benefits to the members of the ex-paramilitary NLA and use of the Albanian language on the entire territory of Macedonia.”

Given that he had been the leader of the NLA, which fought an armed battle against the state security forces in 2001, the allusion of not going home after dropping out of Parliament the next time sparked worrying memories.

What followed was a cacophony of statements and contradicting interpretations of what the opposition now calls the new “Skopje Agreement,” which amends the Ohrid Framework Agreement of 2001. After Ali Ahmeti’s BBC statement, a document from the negotiations, written in English, was leaked to the

29 Ibid.
media, although both sides in the negotiations had agreed not to publish that document. This gave way to a hot ethno-political debate. VMRO-DPMNE stated that it did not sign any agreement with the DUI and that the document contains only minutes from the discussions held during the negotiations. The DUI stated that the document is a \textit{de facto} agreement, and although it has not been signed, it binds both parties. They argued that the negotiations were held in the presence of the EU and US representatives, and that the international community is the “guarantor” of the agreement. At this point it is clear that the document, although not signed, is a political agreement (see text below). The statements issued by Javier Solana and the EU and US representatives in Macedonia clearly welcome the “reached agreement.”

A much more worrisome problem is that both sides do not agree on the number of issues that they have agreed upon. The document, as it was presented in the media contains five points:

1. The parties agree to a list of 46 laws subject to vote according to the Badinter principle, which will be included in the new Book of Procedures of the Parliament;
2. The parties agree to the replacement of a member of the Parliamentary Commission for Relations between Communities from VMRO-DPMNE with one from SDSM, and drafting a new law for the composition of this body;
3. The parties agree to address the issues of providing material and social support to the victims of the 2001 conflict and their families within current laws and procedures. The parties agree to the continuation of the working group on this issue;
4. The parties agree to draft and submit for adoption to Parliament a law on the use of languages that is in full compliance with the Framework Agreement and with Amendment 5 of the Constitution. The parties agree to the continuation of the working group on this issue;
5. Upon DUI’s return to the Parliament, the parties agree to the continuation of discussions on the issue of the method of Government formation.

The document further states that: “the above 5 points are agreed to on 29 May between the two parties VMRO-DPMNE and DUI in the presence of representatives from the EU Mission and the US Embassy in Skopje.” Nevertheless, the Prime Minister and VMRO-DPMNE repeatedly state that there was no agreement reached on five points, but only on two: the first and the second. The DUI insists that they have reached agreement on all five points, as the content of the document that leaked from the negotiations states. As a result, they have returned to Parliament.

To further complicate matters, the DPA was outraged that VMRO-DPMNE reached such an agreement with their ethnic Albanian political rivals instead of with them. They announced that they would leave the governing coalition. After serious pressure from the international community and persuasion from the Prime Minister that no agreement was signed, the Vice-president of the DPA stated on 7


\textsuperscript{31}Since this document is not yet public, the content of the document is presented as reported by Dnevnik on 31 May, 2007, <http://www.dnevnik.com.mk/?itemID=C13A64D42215B841A5A52709A2C06E08&arc=1>
July 2007 that the DPA would stay in the governing coalition, and that the document is actually “minutes from the negotiations and a list of issues that the previous government failed to accomplish.” The international community’s pressure to keep the governing coalition in place was motivated by the need to avoid political instability in the country in face of Kosovo’s unresolved final status and Macedonia’s bid for NATO.

The public was completely confused by the outcome of the negotiations. It remains to be seen whether VMRO-DPMNE will tactically deny the agreement on the last 3 points at this stage in order not to stir further ethnic tensions, or whether it plans to stick to its position until the end. The latter seems more improbable.

In any case I would argue that the fifth point of the “Skopje Agreement” is the riskiest element for the future of the country as a unitary state, with an integrative political system. The fifth point is to be interpreted in the light of establishing the Badinter principle for the election of the government.\textsuperscript{32} Such a solution would represent the cradle of federalism, first on a non-territorial basis, with a strong chance of evolving into a territorial form. The process would be fostered by the fact that municipalities with an ethnic Albanian majority have already been delineated under the 2004 Law on municipal boundaries.

\textbf{2.3.7. The Constitutional Court decision on the Law on the Use of the Flags of the Communities in the Republic of Macedonia}


Article 4 of the Law stated that:

\[\text{[I]n the local self-government units where there are citizens who are members of the community and are the majority of that local self-government unit, in line with Article 2 of this Law, the flag of the Republic of Macedonia and the flag of that community are constantly raised in front of and inside the facilities of the bodies of local self-government units.}\]

The Court decided to repeal the parts of Art. 4 that state: “and are the majority in that local self-government unit” and “constantly.” The Court’s justification is that:

\[\text{[T]he right to use a flag only for the citizens that are members of the communities that are the majority in the local self-government unit, according to the Court, there is a violation of the Amendment VIII to the Constitution, in which the right to use the symbols of the members of the communities is not connected with their percentaged representation.}\]

\textsuperscript{32} The first proposals for adoption of the Badinter principle as a method for election of the government came from DUI, but were recently supported by the Dutch MEP Eric Meyer as an amendment on the Report of the External Affairs Committee of the European Parliament on Macedonia. This amendment was not adopted.


\textsuperscript{34} \textit{Ibid.}
Article 5 of the Law on the Use of the Flags of the Communities in the Republic of Macedonia, stated that:

In the local self-government units in which citizens who are members of the community and are the majority in that local self-government unit live, in line with Article 2 of this Law, in front of and inside the facilities of the state bodies, public services and legal entities founded by the local self-government units, on the streets, at the squares and other infrastructural facilities, the flag of that community is hoisted in addition to the flag of the Republic of Macedonia:

• On days of national and other holidays of the Republic of Macedonia defined by law;
• On days of holidays of the communities;
• On days of municipal and other holidays defined by a decision of the council of the local self-government unit;
• When welcoming or farewell the President of the Republic of Macedonia, the President of the Assembly of the Republic of Macedonia and the President and members of the Government of the Republic of Macedonia; and
• In an official visit of a President or Prime Minister of a foreign state, as well as a sovereign or a high representative of the international community.”

The Court repealed the parts of Article 5 that stated: “and are the majority in that local self-government unit”, “state bodies, public services and legal entities founded by the state” and “and other infrastructural facilities”, line 3 of Article 5, which stated: “and others”, and lines 4 and 5 of the Article.

The justification for repealing the phrase “majority in that local self-government unit” is the same as that given for Art. 4.

The Court’s justification for repealing the part of the Article regulating the use of flags on “state bodies, public services and legal entities founded by the state” was that since this case:

Concerns the use of a flag in front of and inside facilities of state bodies, public services and legal entities founded by the state, in the assessment of the Court, it is constitutionally justified to hoist only the state flag as an expression of state sovereignty, but not the flag of the members of the communities as an expression of the identity and specifics of the communities.35

Regarding the phrase “and others” in Article 5, line 3 of the Law:

The Court finds it as undoubted to hoist the flag of the members of the communities during the holidays of the communities, in which moments the same symbolizes that certain members of the community have their own holiday as an expression of their identity and specifics. However, in a situation when the legal provision specifically enumerates all possible holidays, such as state, municipal and religious, the Court does not find a constitutional justification for the noted formulation “and others” and the left possibility in addition to the specifically enumerated holidays, the flag of the members of the communities to be hoisted also during undefined, undetermined holidays.

Regarding the repeal of lines 4 and 5 of Article 5, the Court considered that:

In case when welcoming or sending off the holders of the highest state functions or during visits of foreign statesmen or high representatives of the

35 Ibid.
international community (line 5) the flag of the members of the communities is hoisted, the hoisting of the flag of the members of the communities may not gain the treatment of a flag with which the identity of the members of the communities is expressed and fostered, since on such occasions the identity of the communities may not be expressed, but a state sovereignty. On the occasion of such events, in the assessment of the Court it is constitutionally justified to hoist only the state flag. 36

Article 6 of the Law on the Use of the Flags of the Communities in the Republic of Macedonia, stated that:

[I]n the local self-government unit in which citizens who are members of the community and are the majority in that local self-government unit live, in line with Article 2 of this Law, if the flag of that community is hoisted the flag of the Republic of Macedonia is also hoisted:

- In international meetings, competitions and other gatherings (political, scholarly, cultural-artistic, sport, etc.) in which the local self-government unit is the organiser, participant or is represented, in line with the rules and the practice of holding such gatherings; and
- At celebrations, ceremonies and other political, cultural, sport and similar manifestations that are significant for the local self-government unit.

The Court repealed the part of paragraph 1 of Article 6 that stated: “and are the majority in that local self-government unit”, the part of line 1 of that same paragraph stating: “in international meetings” and “political”, and the part of line 2 of Article 6, paragraph 1 stating: “political.” The justification for the repeal of the phrase “majority in that local self-government unit” is the same as for Article 4. The justification for the other repealed parts is that:

The symbolic of hoisting a flag of the members of the communities at an international political meeting or international political manifestation has no constitutional justification if one takes into consideration that under the concept of the Constitution of the Republic of Macedonia that right is exclusively within the competence of the state and its bodies ... Also, according to the list of competences of the local self-government units defined in Article 22 of the Law on Local Self-Government, the same may not appear as the organizer or participant in an international political meeting.

Further on the Court concludes:

In the assessment of the Court, the members of the communities have an undisputed right to hoist their flag together with the flag of the Republic of Macedonia in the cases when competitions or other meetings of cultural, artistic or sport character are organised, or celebrations and ceremonies having as its aim expressing, fostering and developing the identity of the members of the communities. This for a reason that the hoisted flag of the members of the communities in such cases will reflect their specifics and identity, and will enable to differentiate them from the other participants in such manifestations for the purposes of which the flags are actually used as symbols.

However, that cannot be said also for international political meetings, international competitions, international scholarly gatherings at which solely the Republic of Macedonia may be represented or take part with a view to expressing, fostering and developing the identity of the Republic of Macedonia, as a sovereign state.'

36 Ibid.
Article 8 of the Law regulated the technical specifications and position of hoisting flags, “in the local self-government unit in which citizens who are members of the community and are the majority in that local self-government unit live ...”. The Court repealed the phrase “and are the majority in that local self-government unit” with the same justification as in the previous cases.

The Constitutional Court made this decision by a qualified vote, meaning that out of the nine judges, six voted for the decision and three against. The two ethnic Albanian judges were among those voting against the decision. This Constitutional Court decision started a great ethno-political turmoil. The first reaction of the ethnic Albanian opposition was that their mayors would not respect the decision of the Court and would not remove the Albanian flags. The whole situation brought traumatic memories from 1997 back to life. Ten years ago, after a Constitutional Court decision, the police removed the Albanian flags from the municipality buildings in Tetovo and Gostivar. Three people were killed and many were injured in clashes with Albanian demonstrators, while the mayors of these towns were sentenced to prison (later released after an amnesty.)

The ethnic Albanian “campus” exerted strong pressure on the Albanian Constitutional Court judges to resign from their functions, which they did, several days after the announcement of the decision. The ethnic Albanian parties’ main argument against this decision is that it repeals articles of a law that was voted on and approved in Parliament under the “Badinter principle.” They argue that the Constitution should be changed once more to include the Badinter principle in the Constitutional Court, so that a group of judges can never again alter something that has been voted in with “Badinter.” Needless to say, such a solution would put an effective end to the ideal of impartial constitutional review and move the model closer to the decision-making procedures (and blockades) of the Constitutional Court of Bosnia and Herzegovina. The idea of the OFA in Macedonia was to secure equitable representation in the Constitutional Court by applying the “Badinter principle” in the election of 1/3 of its judges. Decision-making by Badinter vote was never envisaged, as the OFA hoped to circumvent the possibility of an ethno-political blockage of this institution. To add to the complexity of the situation, this decision came as violent incidents were occurring on the Macedonian-Kosovo border (one policeman was murdered and two wounded on 24 October 2007 in a ambush by uniformed Albanian guerillas). The decision also came just one month before 10 December and the end of the Kosovo final status talks, and six months before the NATO enlargement summit in Bucharest at which Macedonia hopes to receive an invitation for membership. Therefore, the government and the leading party, VMRO-DPMNE, are trying to find ways to avoid the implementation of the Constitutional Court’s decision so as not to “spill gas” on the already sparked “ethno-political fire.” Obviously, the rule of law has an entirely different meaning concerning such an issue and in such dangerous times, as politics has to move in at crucial junctures in order to keep peace in the country.

2.3.8. Armed Clashes in 2007

Ethnic conflict is a cycle. Therefore, violence can easily return even when many think it is over and it has reached another, qualitatively new degree — post-conflict reconstruction and reconciliation. What happened in Macedonia in Autumn 2007 is an example of what theoreticians present on conflict diagrams. Several ethnic Albanian warlords occupied villages all along the length of the Macedonian-Kosovo border — in the West (Brodec), North (Tanusevci) and East (Lipkovo). Two of these warlords, Ramadan Shiti and Lirim Jakupi — “Nacist” (“the Nazi”) — had escaped from Macedonian prisons and police in 2004 and 2005. They had been sentenced for
murder, bombardment of a police station and illegal possession of arms. The 2001 Amnesty Law did not cover them, since they had committed these crimes after the end of the 2001 conflict. The third warlord, Xhezair Shaqiri, known as “Commander Hoxha”, was a commander in the NLA in 2001 and became an MP in the Macedonian Parliament after the amnesty. After losing the elections in 2006, he returned to the mountains and commands and armed group in the village of Tanusevci, the very place where the 2001 conflict started.

The first reports came from the Croatian television station HTV on 1 November 2007. Armed, masked and uniformed ethnic Albanians were talking to the press, and claiming that they had organized themselves and were on patrol against Serb paramilitary units on Macedonian territory. No one has ever noted the existence of these Serb paramilitary units, called “The Guard of King Lazar,” although they have sent communiqués to the press claiming that they are preparing to fight in Kosovo if it proclaims independence. In the following days, news reports were issued regarding the presence of uniformed Albanian guerillas, patrolling road check-points and barricades in villages near the city of Tetovo. On 7 November 2007, the police special forces performed a battle operation called “Mountain Storm,” in which they managed to defeat the armed guerillas in villages on the Shara Mountain. The fighting was especially heavy in the village of Brodec. Six Albanian guerillas were killed, including one of the leaders, Ramadan Shiiti, and fourteen were arrested. The police captured a vast quantity of arms that had been in the possession of the guerillas. That day, KFOR sealed the border between Macedonia and Kosovo. The weapons confiscated included not only personal firearms, but also heavy artillery and “Stinger” anti-aircraft missiles. The following day, the so-called “Albanian Liberation Army” claimed responsibility on behalf of the guerillas, stating that “Albanians in Macedonia were forced to organize militarily in order to defend the Albanian people and its territory.”

According to police estimates, the captured weapons could have armed over 600 soldiers and were sufficient to capture a smaller town. The next day, on 8 November 2007, the US Ambassador to NATO, Victoria Newland visited Skopje and stated that they have no remarks on the professionalism of operation “Mountain Storm,” especially because it was performed by multi-ethnic police forces. It is evident that the international community supported operation “Mountain Storm” and KFOR acted in coordination with the Macedonian Police.

Nevertheless, there are still reports of some 300-500 guerillas that have entered from Kosovo and are stationed in the Tanusevci and Lipkovo region. The leader of the Tanusevci group, Xhezair Shaqiri stated, “the fighters of the NLA are preparing and they have no trust. We are waiting to be attacked every day, the villagers are ready.”

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40 Netpress, “Newland impressed by reforms, but is asking that the negotiations with Greece continue,” [in Macedonian], http://www.netpress.com.mk/vest.asp?id=17098&kategorija=1
2.4. Indicators and Criteria Established by the International Community

In order to effectively present indicators and criteria regarding the different aspects of the position of national minorities, one needs to examine the post-conflict period from the using the relevant analytic tools that have thoroughly dealt with the issue of evaluating the Macedonian democratic and political capacity in the past years. In order to achieve methodological correctness, both domestic and relevant international sources (reports) have made efforts to reflect the position of minorities in the 2001-2007 period. The most relevant sources come from the European Commission’s (EC) progress reports on Macedonia’s EU accession, as well from Freedom House’s “Nations in Transit” annual reports. The most relevant domestic source that deals with Macedonian democratic and interethic confidence building (and the position of minorities up to a point) is the United Nations Development Programme’s (UNDP) Early Warning System Project (Early Warning Report).

Taking these various sources into consideration, one might say that the immediate post-conflict period in Macedonia (2001-2002) presents a definite turning point in the relations between ethnic communities in the country. In 2001, due to the violent conflict, relations between the majority Macedonian population and the Albanian community were at an all time low since the country’s independence. In regards to the position of the minorities, the EC’s 2002 Stabilization and Association progress report on Macedonia clearly defines a set of problems connected not only to the rule of law and democratic capacity, but also to the specific role and position of national minorities. Though recognizing the formal aspects of the constitutional protection of national minorities, the EC evaluates that “the enforcement of minority rights is a major problem in the country, greatly contributing to the current inter-ethnic crisis”. The reason for the unsatisfactory position of minorities could not be ascribed solely to the interethic conflict and the general situation in the country per se, but also to the number of unresolved issues originating prior to the conflict. The position of national minorities (particularly the ethnic Albanians) was burdened mainly by internal displacements that occurred as a consequence of the conflict, but also by issues such as the ill-treatment and unlawful arrests of minority members by the police, the lack of an updated census in the country, as well as by deficiencies in the sphere of higher education. The EC’s general remarks regarding the biased media, the weakness of the ethnically divided civil society and Macedonia’s general lack of democratic capacity only contributed to the complex majority-minority relations.

The partial improvement of the position of national minorities in Macedonia began in 2002. As this was an electoral year, the change of government from right to center-left brought the challenge of including the biggest Albanian party in the coalition government. This was difficult as most of the party’s structure (Democratic Union for Integration - DUI) originated from the former combatants of

42 Macedonia signed the Stabilisation and Association Agreement with the EU in March 2001 just before the start of the hostilities.
44 Although Macedonia adopted the Law on higher education in July 2000, allowing private higher education in Albanian, the problem with the unrecognized Tetovo University (in Albanian) remained an open issue.
the National Liberation Army (NLA). Since the political process was successfully mainstreamed, one of the most positive outcomes of including the biggest ethnic community (Albanian) in the political life was that it represented a step forward towards bettering the position of minorities in the country. Furthermore, the pre-electoral coalition of the Social-Democratic Union of Macedonia (the 2002 election winner) with the political parties of the smaller ethnic communities (Serbian, Roma, Turk, Bosniak) contributed to the general improvement of minority representation in the Parliament as well as in the executive branch. The gender dimension of minority participation in politics was also improved due to the legal obligation of all political parties to nominate at least 30% women on their electoral lists (resulting in 22 female MPs).

The EU supported the progress that Macedonia slowly started to show with regard to its democratic capacity, and gave the country’s progress on minority related issues a positive evaluation. On one hand, although delayed, the implementation of the OFA was underlined as a positive step in regards to the finalized census (an obligation under the OFA) and the strategy for the OFA’s further implementation. This strategy will significantly improve the position of national minorities due to two very important political processes: decentralization (allowing more political power on the local level) and the equitable and fair representation of minorities in the public administration and in public enterprises. The biggest challenges noted in the EC SAA progress report regarding national minority issues were the general lack of confidence between the two biggest ethnic communities, the ethnic divide among the younger population as well as the absence of a Roma integration strategy.

The following year (2003) brought a further development in the position of national minorities in Macedonia. Although occasional incidents and police abuse were noted in the international community’s reports, the position of the Albanian ethnic group had considerably improved. This was attributed to the establishment of a third state-sponsored university in Tetovo i.e. the legalization of the already existing university, which broadened the educational opportunities for minority members in the country. The gender perspective was further supported through the adoption of the National Action Plan for Gender Equality, an effort to improve the socio-economic and political position of women. The Law on Citizenship represented a further step forward answering the dilemma of the many citizens living abroad (most of whom belong to national minorities) and do not have Macedonian citizenship. The overall situation prevailing until that time could be summarized in the following manner:

Though at times grudgingly, the Macedonian ethnic majority recognized the rights of national minorities and promoted pluralism in the media, native-language education, minority civil society organizations, and interethnic power sharing in the national government. Nevertheless, the perceived concord between Macedonians and Albanians masked deep political and economic dissatisfaction. Expectations of prosperity not only went unrealized, but living standards sank as unemployment soared. Political transformation was formulated as a zero-sum game, pitting Albanian grievances against Macedonian fears for “their” country’s security and integrity.

The same year (2003) also brought positive results in the development of civil society, which strengthened cooperation between the ethnic communities that formed the basis of the social structure. The following year (2004) brought further

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stabilization as well as new challenges to the relations between all ethnic communities. The *casus belli* vis-à-vis the position of national minorities in 2004 was the new law on the territorial organization of the country, and the subsequent referendum, already described in Chapter II.3.3. Although the referendum failed, as it did not achieve the required minimum voter participation, the rhetoric of certain public actors as well as the tension surrounding the referendum resulted in the considerable destabilization of majority-minority relations.

The positive occurrences of 2004 were mostly connected to the widening of minority language rights (mostly affecting the Albanian community). The new Law on Local Self-Government extended the use of the languages of the ethnic communities on the local level (alongside the change of street signs and personal documents into the languages of the local communities). This development did not generate as much public controversy and resistance among the Macedonian majority community as the Law on Territorial Organization. This is evident from the surveys undertaken by the UNDP’s Early Warning System:

Surprisingly, the survey results show that 65 percent of the population strongly or somewhat agrees that ethnic communities should have their own language. Even though they are not very happy with this, still the majority (58 percent) of ethnic Macedonians, i.e. 27 percent of them strongly agree with this issue and an additional 31 percent somewhat agree, while 28 percent strongly disagree and 12 percent somewhat disagree. On the other hand 77 percent of Albanians strongly agree and 6 percent somewhat agree with ethnic communities having their own language. A similar situation is to be found with interviewees from other ethnicities: 65 percent of them strongly agree and 17 percent somewhat agree that ethnic communities should have their own language.  

The two biggest events that marked the political situation in 2005 were the local elections as well as the EU candidate status granted to Macedonia. The country’s candidate status led to the production of a number of documents that contain a thorough evaluation of the country’s position on minority rights. The EC issued the “Analytical Report for the Opinion on the Application from the Former Yugoslav Republic of Macedonia for EU Membership,” which clearly indicates that Macedonia has made significant progress since 2001 in the area of minority rights. The relative success was “amended” by the adoption of the Law on the Use of the Flags of the Communities in the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, no.58/2005) in 2005. This allowed ethnic communities the use of their national flags (alongside the Macedonian flag) in municipalities in which they constitute over 50% of the population. A shadow of doubt regarding the overall political success appeared during the local elections in 2005, when the international community made serious objections. Violence occurred in several municipalities (some in Albanian populated areas) leading to a negative response from the international community.

If one is to make a retrospective on the most sensitive areas, such as participation of minorities, in the years 2001 to 2005, the data clearly indicate that:

The level of participation of minorities in the public administration and public enterprises, at central and local level, has substantially improved. Considerable efforts have been made to address the key principle of “equitable representation of non-majority communities” in the Framework

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48 For the decision of the Constitutional court of Macedonia regarding this law, see Chapter II.3.7.
Agreement. Strategic measures were adopted in 2003 and training programmes were specifically designed.

The overall representation of members of minorities in the administration rose from 16.7% in December 2002 to 20.5% in July 2005. For instance, representation of ethnic Albanians rose from 11.6% to 15.3% during the same period. Progress has been most significant in the security sector. In the Ministry of Interior, representation of members of non-majority communities climbed from 12.1% in December 2002 to 19.5% in July 2005. More specifically, the proportion of uniformed police officers belonging to non-majority communities is higher. There are detailed plans for more equitable representation in the armed forces where the representation of minorities rose from 8.5% in December 2002 to 16% in December 2004. Ethnic Albanians rose from 3% of the armed forces in 2002 to 10.2% in 2004, and the other minorities made up 5.8%.  

This has been followed by a significant increase in the number of students involved in higher education due to the educational changes in the 2001-2005 period (see Table 1).

Table 1. Enrolled students in undergraduate and graduate studies, citizens of the Macedonia, by ethnic affiliation, 1992/1993-2004/2005

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Maced</th>
<th>Alban.</th>
<th>Turks</th>
<th>Roma</th>
<th>Vlachs</th>
<th>Serbs</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>1992/93*</td>
<td>26299</td>
<td>90,4</td>
<td>2,23</td>
<td>0,65</td>
<td>0,05</td>
<td>0,29</td>
<td>3,19</td>
<td>3,20</td>
</tr>
<tr>
<td>1993/94*</td>
<td>26834</td>
<td>93,1</td>
<td>2,85</td>
<td>0,62</td>
<td>0,03</td>
<td>0,36</td>
<td>1,69</td>
<td>1,29</td>
</tr>
<tr>
<td>1994/95*</td>
<td>28569</td>
<td>91,6</td>
<td>3,41</td>
<td>0,61</td>
<td>0,06</td>
<td>0,56</td>
<td>1,82</td>
<td>1,89</td>
</tr>
<tr>
<td>1995/96*</td>
<td>29153</td>
<td>90,8</td>
<td>4,12</td>
<td>0,75</td>
<td>0,06</td>
<td>0,73</td>
<td>1,81</td>
<td>1,69</td>
</tr>
<tr>
<td>1996/97*</td>
<td>30441</td>
<td>89,7</td>
<td>4,62</td>
<td>0,91</td>
<td>0,07</td>
<td>0,77</td>
<td>1,88</td>
<td>2,05</td>
</tr>
<tr>
<td>1997/98*</td>
<td>31768</td>
<td>91,2</td>
<td>4,12</td>
<td>0,77</td>
<td>0,11</td>
<td>0,90</td>
<td>1,63</td>
<td>1,22</td>
</tr>
<tr>
<td>1998/99*</td>
<td>34850</td>
<td>89,2</td>
<td>5,50</td>
<td>1,06</td>
<td>0,14</td>
<td>0,94</td>
<td>1,91</td>
<td>1,22</td>
</tr>
<tr>
<td>1999/00*</td>
<td>36679</td>
<td>88,9</td>
<td>5,53</td>
<td>1,11</td>
<td>0,19</td>
<td>1,02</td>
<td>1,95</td>
<td>1,23</td>
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<tr>
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<td>40075</td>
<td>88,3</td>
<td>5,70</td>
<td>1,1</td>
<td>0,26</td>
<td>1,01</td>
<td>1,86</td>
<td>1,56</td>
</tr>
<tr>
<td>2001/02**</td>
<td>45493</td>
<td>87,44</td>
<td>6,68</td>
<td>1,32</td>
<td>0,28</td>
<td>0,92</td>
<td>1,81</td>
<td>1,58</td>
</tr>
<tr>
<td>2002/03**</td>
<td>47798</td>
<td>85,31</td>
<td>8,98</td>
<td>1,43</td>
<td>0,29</td>
<td>0,92</td>
<td>1,69</td>
<td>1,38</td>
</tr>
<tr>
<td>2003/04***</td>
<td>51311</td>
<td>85,06</td>
<td>10,4</td>
<td>1,18</td>
<td>0,19</td>
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</tr>
<tr>
<td>2004/05****</td>
<td>61556</td>
<td>79,44</td>
<td>15,50</td>
<td>1,34</td>
<td>0,31</td>
<td>0,78</td>
<td>1,52</td>
<td>1,12</td>
</tr>
</tbody>
</table>

Although unevenly distributed, progress was made towards equitable representation. This progress faced challenges in certain areas, particularly in the representation of the smaller ethnic communities. The process of building interethnic trust slowly began to move forward, although the 2006 EC report on Macedonia clearly indicated the lack of opportunities for interaction between the communities in the educational field. The UNDP Early Warning Report supported the EU’s stance that certain ethnic barriers have not yet been breached. This shows that “parallelism is evident in most of the indicators of ethnic distance that are part of the (...) survey.”

The data clearly indicates that the least distance between the two biggest ethnic communities exists in the sphere of economic interest, while the reality of the ethnic distances is most visible in the high percentage of respondents who react negatively to ethnically mixed marriages. This clearly “draws the lines” of ethnic interaction indicating a tradition of ethnic groups coexisting in parallel worlds in Macedonia.

The latest European Commission progress report (2007) commends the respect shown for the religious feelings of minorities in the Law on Public Holidays. The adoption of the Strategy on Equitable Representation and the selection of 3 minority judges out of 8 on the Judicial Council are also steps forward in the advancement of the political position of national minorities in the country.

3. Situation, Role and Performance of Minorities and Their Organizations and Institutions

3.1. Definition(s) of Minorities in the Constitution/Legislation

An examination of the terminology used in the present Constitution of Macedonia will show that in the preamble, there are citizens of the Republic, who are “made of” the “Macedonian people” and the “citizens that live within its borders, who are part of the Albanian people, Turkish people, Vlach people, Serb people, Roma people, the Bosniak people, and others.” This complex formulation was incorporated to avoid using the terms “national minorities” or “nationalities”, even

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though the previous formulation is practically a definition of a national minority. Then, in the ensuing normative part of the Constitution, all ethnic groups are called “communities”. Instead of “national minorities” the Constitution and legislation use the terms “communities not in the majority in the population of the Republic of Macedonia.”

3.2. Concepts and Classifications of Minorities

The Macedonian political system does not differentiate between “traditional” and “new” minorities. All of the national minorities in Macedonia are traditional, as consequence of five centuries of Ottoman rule, after which time nation-states were formed in the Balkans.

The main instruments of minority representation by far are the minority political parties, and to a smaller extent, minority NGOs. Regarding the status (constitutional and legal regulation, key political documents, regulations at the level of the local government), the concept and the political framework of the protection of minorities and its implementation, see MIRCO WP2 and WP3 Country Reports on Macedonia.

3.3. Minorities and the State

The provisions of the OFA are fully incorporated into the Macedonian legal and political system in order to regulate the protection of the (group) rights of the ethnic communities in Macedonia. Therefore, the legal protection of these rights falls under the jurisdiction of the regular courts and the Constitutional Court of the Republic of Macedonia. There are also special institutions that play a crucial role in the protection and promotion of minority rights in the country:

- **Parliamentary Committee on Inter-Community Relations.** The Committee consists of seven members from the ranks of the Macedonians and the Albanians within the Assembly, and five members from among the Turks, Vlachs, Romas and two other communities. The committee appraises issues relating to inter-community relations in the Republic and makes proposals for their resolution. In addition, in the event of a dispute among Members of Parliament regarding the application of the “Badinter majority” voting procedure, the committee decides by a majority vote whether such a procedure is applicable. After the “Skopje Agreement”, which contains a list of laws that are to be voted on by “Badinter majority,” is incorporated in the Parliamentary Book of Procedures, this Committee function will be reduced.

- It is probable that conflicts will arise when other laws (in addition to the 46 from the “Skopje Agreement”) will be submitted to the Committee, since the ethnic Macedonians might insist that the list of laws is fixed in the Parliamentary Book of Procedures. Representatives of the minorities, on the other hand, would find it in their interest to call on the right given in the Constitution, that in the event of a dispute among Members of Parliament regarding the application of the “Badinter majority” voting procedure on laws in addition to the 46 laws, the committee decides by a majority vote

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51 In the constitutional tradition of former Yugoslavia, this term was used precisely for citizens that live within the borders of the country, but have another kin state, whereas the term „ethnic groups“ was used for the ones without a kin state.
whether such a procedure is applicable.

- **Ombudsman.** According to Article 77 (Amendment XI) of the Constitution, in addition to the duty of protecting the constitutional and legal rights of citizens should they be violated by the bodies of the state administration, the Ombudsman “shall give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies, bodies of the units of local self-government and public institutions and services”.

- **Secretariat for the Implementation of the Ohrid Framework Agreement (SIOFA),** within the Government of Macedonia, led by a Deputy-Prime Minister. It is in charge of monitoring and coordinating activities to improve the equitable representation of members of non-majority communities in the public administration and in public enterprises, data collecting and evaluating the compatibility of government policies with the OFA.

### 4. Performance of the International Community and International Organizations, Political Parties, Media and Civic Society in Reconstruction and Reconciliation

The fact that the international community was one of the main actors involved in signing the Ohrid Framework Agreement in 2001 reveals a great deal about the role of the international factor in the post-conflict period. Probably for the first time in modern diplomacy and peace negotiations (after Dayton), one peace agreement was sponsored and guaranteed before the two biggest powers in the international community - the USA and the EU. The US and EU special envoys, James Perdue and François Leotard also signed the Ohrid Framework Agreement as guarantors. Local experts in the field of constitutional law highly criticized this move as setting a precedent in modern constitutional history. Nevertheless, it clearly showed which two actors were most interested in the Macedonian conundrum and were willing to offer both political and financial aid in the post-conflict period.

#### 4.1. The Role of the EU

Many EU countries financed and aided Macedonia in a number of ways, both through EC funded programmes and bilaterally, even before the 2001 conflict in Macedonia. Macedonia has received constant financial support in the period since its independence. During the first vital period from 1992 until 1996 it was covered by the PHARE Critical Aid Programme and received a total of €85 million. In the 1996–1999 period the European Commission assigned €105 million in total for two programmes falling under the auspices of the Multi-Annual Indicative Programme (MIP) — €68 million for the Country Operational Programme with Greece and €37 million for the Cross-Border Cooperation Programme. The EC also aided Macedonia during the Bosnian crisis (€45 million) and the Kosovo war (€50 million) in order to help the country cope with the consequences of the refugee crises. However, ever since the crisis in 2001, the EU funded programmes (most directly involving the position of national minorities) increased significantly in volume as a response to the events taking place in the country.
As the 2001 conflict had emerged as a result of political friction between the two largest ethnic communities in the country, it is hard to separate EU programmes and aid into those that dealt with the issue of national minorities and those that covered other issues. Most of the aid allocated (especially in the immediate post-conflict period) concerned the sphere of reconstruction and repair of war-thorn areas populated by different ethnic communities. One of the first mechanisms that emerged as a result of the need for assistance due to the damages suffered from the violent conflict was the 2001 Emergency Assistance Programme. It was separated in several categories as illustrated in the following table:

<table>
<thead>
<tr>
<th>Financial instrument</th>
<th>Sectors and priorities</th>
<th>Budget (million €)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rapid Reaction Mechanism (RRM, Commission Decision 4 May 2001)</td>
<td>• Housing reconstruction</td>
<td>2.5</td>
</tr>
<tr>
<td>Rapid Reaction Mechanism (RRM, Commission Decision 3 October 2001)</td>
<td>- Repair and Reconstruction of Local Infrastructure - Confidence Building Measures:  ▪ Strengthening of Civil Society;  ▪ De-mining;  ▪ High Level Policy Support;  ▪ Support to the Reform of the Police and other JHA-related aspects</td>
<td>10.3</td>
</tr>
<tr>
<td>CARDS Additional Assistance Package</td>
<td>- Repair and Reconstruction of Housing and Local Infrastructure  - Support to Families Hosting Internally Displaced Persons  - Support to the Reform of the Police and other JHA-related aspects.</td>
<td>13.7</td>
</tr>
<tr>
<td>Humanitarian Assistance (Commission Decision on 29 January, 3 May, 11 September, 20 November 2001)</td>
<td>- Food assistance to IDPs, vulnerable local population, refugees (residual caseload from Kosovo crisis)  - Non food items (hygiene parcels, animal feed for livestock) for IDPs and host families;  - Water and sanitation/emergency rehabilitation;  - Community services  - Health and social</td>
<td>5.4</td>
</tr>
</tbody>
</table>

Source: European Commission - CARDS assistance programme - FYR Macedonia 2002-2006
In addition to the aforementioned instruments for emergency assistance, the EC allocated funds through its Community Assistance for Reconstruction, Development and Stabilization programme (CARDS). Out of the wide spectrum of fields in which the CARDS programme aided the Macedonian post-conflict society, the national minorities were most directly involved in the education section. This meant that in 2001, the EC assigned €4 million in order to help establish the first tri-lingual university – the Southeast European University in Tetovo (SEE). Since it was the first university where students from Macedonia could learn in Albanian, this move ultimately led to an increase in the number of students from national minorities (mostly Albanian).

Aid received through the Multi-annual Indicative Programme (MIP) in the period between 2002 and 2004 represented the next step in the reconstruction and the rebuilding of the country. In all three years from 2002-2004, the EC mainstreamed €3 million under the Democracy and Rule of Law programme, which addressed interethnic relations and civil society. Given that part of the Rapid Reaction Mechanism was also allocated through the European Agency for Reconstruction (EAR) alongside MIP funds, the overall mainstreamed funds through EAR were distributed in the following manner:

<table>
<thead>
<tr>
<th>Programme</th>
<th>Year</th>
<th>Total in €million</th>
</tr>
</thead>
<tbody>
<tr>
<td>RRM - Confidence building measures</td>
<td>2001</td>
<td>2.9</td>
</tr>
<tr>
<td>RRM - Confidence building measures</td>
<td>2001</td>
<td>12</td>
</tr>
<tr>
<td>Democracy and rule of law</td>
<td>2002</td>
<td>3 (1.2+1.8)</td>
</tr>
<tr>
<td>• Development of interethnic relations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Support of the civil sector / development of</td>
<td></td>
<td>1.2</td>
</tr>
<tr>
<td>NGOs</td>
<td></td>
<td>1.8</td>
</tr>
<tr>
<td>Democracy and rule of law (interethnic relations and civil society)</td>
<td>2003</td>
<td>3</td>
</tr>
<tr>
<td>Democracy and rule of law (interethnic relations and civil society)</td>
<td>2004</td>
<td>3</td>
</tr>
<tr>
<td>Democratic stabilization - implementation of the OFA</td>
<td>2005</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: European Commission - CARDS assistance programme - FYR Macedonia 2002-2006

The funds allocated in the framework of the Rapid Response Mechanism (RRM) directly involve the position of the national minorities due to the specific goals that this programme tried to achieve. The goals of the programme that were directly relevant to the position of national minorities were:

- Supporting the OFA
- Aiding in the return of IDPs and refugees through reconstruction
- Protecting civilians
- Contributing to the respect for minority rights
- Reconstructing local infrastructure - especially electrical energy
Supporting organizing and election participation
De-mining, etc.

The funds allocated between 2002 and 2004 were given with the clear goal of aiding the implementation of the OFA and the vital parts of the SSA, and directly assisting national minorities in exercising the rights envisaged in the OFA. The 2004 EAR annual action plan clearly states that the “programme has a goal to enable the following practical steps in the OFA implementation (...) enabling a greater participation of the national minorities in the public administration”\(^{52}\). In 2005, the Democracy and Rule of Law Programme, which also furthered OFA implementation, was cut back to €2 million.

4.2. USAID

The role of the US in the post-conflict process in Macedonia is, alongside that of the EU, the most critical in terms of post-conflict consolidation. In addition to providing political backing to the post-conflict process, the US mobilized a great deal of funding. This funding was mainstreamed through the United States Agency for International Development (USAID). In recent years, USAID’s five programme clusters in Macedonia dealt with a number of issues connected to the question of national minorities. This is best illustrated through an overview of the projects that USAID funded in each of the clusters.

In the past several years, the Democracy cluster of USAID has supported several projects involving working with national minority representatives. In addition to projects on court modernization and strengthening civil society, USAID supported two projects that directly involve national minority political representatives. The first is “Parliamentary Development,” which is being implemented in cooperation with the National Democratic Institute - Washington (NDI). Through four different modules, USAID and NDI support all political parties in Macedonia including minority parties:

- Strengthening parliamentary capacity and outreach
- Improving committees and caucuses
- Expanding constituency relations
- Preparing for parliamentary elections

The third module is especially important in this regard since the:

NDI has worked with parliamentary caucuses to open 45 constituency offices throughout the country, including offices in Albanian, Roma, Turkish, and Serbian communities. Almost 70 MPs hold regular office hours, organize public meetings and maintain regular communication with constituents through these NDI-supported offices. Since their inception, more than 6,500 constituents have used the offices to raise their concerns, and almost half of these cases were solved.\(^{53}\)

The fourth module also involves political representatives from national minorities since:

[I]n advance of the 2006 parliamentary elections, NDI will continue to hold multi-party, multi-ethnic sessions with mainstream Macedonian and

Albanian parties on policy and membership development, as well as political and electoral ethics. NDI also will work with ethnic Serbian, Turkish, and Roma parties on organization management, policy development, public outreach, coalition-building, and candidate selection.

In regards to other USAID clusters, the education cluster has been involved in aiding the establishment of SEE University in Tetovo through the following activities:

- Establishing the Instructional Support Center (ISC)
- Establishing the Business Development Center (BDC)
- Establishing the Career Services Center (CSC)
- Aid for the Communication Science and Technologies (CST) and Business Administration (BA) faculties
- Establishing a National Survey of Student Engagement (NSSE)

USAID’s efforts also focus on the highly vulnerable Roma population by helping prepare pre-school children to enter primary education. This programme has the goal of:

Increasing enrollment and transition rates, decreasing drop-out rates, and improving the school performance and attendance of Roma students in primary and secondary schools; and providing an opportunity for Roma students at university to have equal opportunities and better academic achievements.

USAID’s partners in this programme are FOSIM, the Swiss Pestalozzi foundation and the OSCE. In the last three years the programme has cost $3 million.

USAID’s anti-trafficking activities as part of its cross-cutting cluster could also be regarded as national-minorities related, since a vast number of trafficked persons belong to national minorities.

### 4.3. The OSCE

The Organization for Security and Cooperation in Europe (OSCE) has also been an active in post-conflict Macedonia. Through its activities, the OSCE has made a significant contribution to the stabilization of the fragile Macedonian democracy. Alone or with its partners, its main goals focus on:

- Redeploying police in the former crisis areas
- Training 1000 non-majority cadets to be police officers by July 2003 (with a view towards ensuring that the police will generally reflect the composition and distribution of the country's population by 2004)
- Strengthening the institutions of local self-government
- Developing projects in the areas of rule of law and media development
- Implementing the Framework Agreement in the area of inter-ethnic relations.

Most of the above-mentioned activities and tasks directly involve the position of national minorities, since the tasks the OSCE focuses on in these areas relate to ensuring the proportional and fair representation of minorities (especially in drafting police cadets). In all five segments (confidence building, media development, police development, public administration, rule of law) the OSCE has

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54 Ibid.
55 Ibid.
supported the process of national minority inclusion. More specifically, the role of the OSCE in each of the five activity segments could be represented in the following table.

<table>
<thead>
<tr>
<th>SECTOR</th>
<th>ACTIVITIES</th>
<th>GOALS RELATED TO NATIONAL MINORITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confidence building</td>
<td>- Security and monitoring</td>
<td>• Monitoring security-related issues (deployment of Confidence Building Officers)</td>
</tr>
<tr>
<td></td>
<td>- Inter-cultural dialogue</td>
<td>• Fostering intercultural dialogue and improving community cooperation with government institutions, with a special focus on mixed communities</td>
</tr>
<tr>
<td></td>
<td>- Education</td>
<td>• Focusing on integration and improving communication between different ethnic groups, depoliticization of schools and education in general</td>
</tr>
<tr>
<td>Media development</td>
<td>- Support for public broadcasting reform</td>
<td>Not directly connected</td>
</tr>
<tr>
<td></td>
<td>- Monitoring implementation of a new legal framework</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Developing an information society</td>
<td></td>
</tr>
<tr>
<td>Police development</td>
<td>- Police training</td>
<td>• Police training issues, giving particular attention to democratic principles, the rule of law, European policing practices, human rights and specialized policing techniques.</td>
</tr>
<tr>
<td></td>
<td>- Community policing</td>
<td>• Community</td>
</tr>
<tr>
<td></td>
<td>- Other projects and activities</td>
<td></td>
</tr>
</tbody>
</table>
Policing is one area that enables police to improve their skills and builds confidence between citizens and police.

<table>
<thead>
<tr>
<th>Public administration</th>
<th>All programmes are being implemented in both homogenous and mixed communities</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Capacity-building and training</td>
<td></td>
</tr>
<tr>
<td>- Municipal finance training</td>
<td></td>
</tr>
<tr>
<td>- Promoting citizens’ participation and gender equality</td>
<td></td>
</tr>
<tr>
<td>- Decentralization and information dissemination</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rule of law</th>
<th>Includes providing legal advice to citizens in rural areas⁵⁷</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Judicial reform</td>
<td></td>
</tr>
<tr>
<td>- Institution- and capacity-building</td>
<td></td>
</tr>
<tr>
<td>- Anti-trafficking</td>
<td></td>
</tr>
<tr>
<td>- Monitoring</td>
<td></td>
</tr>
<tr>
<td>- Includes providing legal advice to citizens in rural areas⁵⁷</td>
<td></td>
</tr>
<tr>
<td>- Supporting the Ombudsman and local NGOs focusing on HR</td>
<td></td>
</tr>
<tr>
<td>- Assisting trafficked persons</td>
<td></td>
</tr>
<tr>
<td>- Monitoring war crimes and police misconduct</td>
<td></td>
</tr>
</tbody>
</table>

Source: OSCE spillover mission in Skopje

Of all the aforementioned programmes, the one that has made the biggest impact on confidence building is the community policing programme. As a result of this programme, new modalities for restoring confidence in the police forces (especially in former crisis areas) have appeared:

A powerful tool that was introduced within the country in 2002 is an informal local body called the “Citizen Advisory Group” (CAG). It provides a long-term, sustainable forum that brings citizens, police and municipal structures together to discuss issues of common interest. In 2004, the local police started to play a more active role in developing and fostering CAGs and assumed responsibility for organizing and running a significant number of these forums. The transfer of responsibility has been one of the Department’s priorities. By the end of 2005, 71 Citizens Advisory Groups were working, covering more than 440 villages.⁵⁸

In this regard, the success of the programme was little short of complete. In other words:

⁵⁷ Most of the members of certain national minorities (Albanian, Roma) still reside in rural areas.

These meetings have not only improved communication and cooperation among citizens and police, but have also resulted in greater trust, confidence and stability. Results from the latest citizen survey on community policing carried out in 2006, when compared with a 2004 survey, confirms this trend, especially results from the sensitive areas where the events of 2001 occurred.\textsuperscript{59}

One might conclude that this programme helped the Macedonian authorities regain control and sovereignty over the complete territory of the country, by introducing mixed patrols including members of national minorities represented in the local communities.

\section*{4.4. Involvement of Other International Actors}

One cannot complete the picture of the international actors involved in the process of post-conflict reconstruction and stabilization without mentioning the role of UN-based organizations (especially the UNDP) as well as the activities of internationally funded organizations such as the Nansen Dialogue Center. The mosaic could be completed only if the political foundations and organizations of western democracies are included in the long list of international donors and actors trying to help Macedonia on its path to stability and peace.

The United Nations Development Programme (UNDP) has been by far the most active organization of the UN system in conflict prevention and reconstruction in Macedonia. Although its main focus has been concentrated on three major areas (decentralization, social inclusion and the environment), the UNDP has a rich history of not just monitoring, but also actively participating in conflict-prevention through economic aid and the development of local communities (grass-root approach).

One of the first tools created to monitor the situation in Macedonia was the Early Warning System (EWS). This was envisaged as a tool that “can help to enhance the image, prosperity and security of a country by enabling it to grasp positive responses to identified emerging challenges and opportunities”\textsuperscript{60}. The most popular product of the project was the Early Warning Report, which was established in 2000 and renewed in 2004. It included a specific section on inter-ethnic relations that constantly monitored minority-majority relations and closely related issues such as public perceptions of the improvement/deterioration of interethic relations, ethnic barriers, co-habitation etc. Given that every report includes sections on political and institutional stability, regional topics, the socio-economic situation and personal and public security, it presents the most serious analytical tool concerning the position of national minorities and their public perceptions\textsuperscript{61}.

In addition to the EWS, another project within the framework of the Conflict Prevention and Recovery cluster was also involved in bettering the position of the population in the former crisis areas. The “Small Arms Control in FYR Macedonia” project “resulted in the voluntary surrender of more than 7000 weapons, the destruction of over 2200 confiscated weapons and a measurable increase in public awareness of the dangers associated with the possession of illicit small arms.”\textsuperscript{62} This project contributed greatly to improving security in many of the

\begin{itemize}
  \item \textsuperscript{59} Ibid.
  \item \textsuperscript{60} United Nations Development Programme - FYR Macedonia. http://www.undp.org.mk/.
  \item \textsuperscript{61} Every EWR issue included a public opinion survey conducted by Brima Gallup - Macedonia. The data were specifically represented in ethnical cross-tabulations giving the possibility to compare attitudes and societal phenomena through the prism of national minorities.
  \item \textsuperscript{62} UNDP. http://www.undp.org.mk/.
\end{itemize}
former crisis areas (mostly inhabited by ethnic Albanians but also by members of other communities) by collecting weapons and raising awareness on the dangers of illicit small arms possession.

Taking into consideration the other segments of UNDP’s engagement, the organization mostly supports/supported projects based on local reconstruction and development. In 2001 the UNDP supported two major reconstruction projects:

- **Immediate community rehabilitation support** - the project supported the Government in alleviating the suffering of internally displaced persons and supported the efforts of the Government in facilitating the safe return and economic relief of persons displaced during the conflict in 2001.
- **Emergency reconstruction and rehabilitation support** - with this project, UNDP assisted the Government in addressing the urgent need to rehabilitate the water supply system in the city of Kumanovo, which suffered severe disruptions during the crisis. The pressures on the water supply system were further exacerbated by the influx of 70,000 IDPs, who fled fighting in their villages and sought refuge in Kumanovo.

These two programmes were supplemented by a number of projects in the last several years that support local community development. Many of the communities involved are inhabited by national minorities. Some of these projects include:

- Job Creation Programme (JCP) - focused especially on vulnerable groups
- Partnership for Community Safety and Security
- Localizing Sustainable Development - implemented in Bogovinje and Kumanovo (former crisis areas)
- Capacity Building of Local Governments
- A number of projects supporting local infrastructure, some of which took place in former crisis areas (dams, channels, waste management etc.)

The Nansen Dialogue Center (NDC) sponsored by the Norwegian government is another actor involved in the post-conflict process with the goal of conflict prevention and resolution. In 2004 the NDC implemented a programme in the Jegunovce municipality (mixed and former crisis area) focused on mixed educational activities in an ethnically divided community.

Several embassies, besides the US and the Norwegian embassies (working in close cooperation and mainstreaming most of their funds through USAID and NDC), are worth mentioning in this context. The political foundations of the German government (Friedrich Ebert and Konrad Adenauer) were active in supporting various political party activities including those of national minority parties. Similarly, the National Democratic Institute and the International Republican Institute (both Washington based) have supported a number of activities including minority MPs, minority political parties, election preparation, etc.

### 4.5. The Role of Domestic Organizations After 2001 (Media and Civil Sector)

The role of the domestic actors in the post-conflict period in Macedonia, unfortunately, is very often a reflection of the occurrences on the political scene. Although this conclusion is less applicable for the civil sector, the media remain burdened with ethnic divisions and financial dependencies, which reflect the typical parochial political culture influenced by close-minded political and financial elites.

Since the outbreak of the conflict the media were identified as one of the factors enflaming the conflict along ethnic lines. The media’s responsibility for the societal divisions remained high even after the conflict ended. Given this situation, one can hardly speak of a positive role of the media in improving the position of national minorities. As Freedom’s House “Nations in Transit 2003” report bluntly stated:

> Although the abundance of media in Macedonia reflects the country’s pluralism, it also creates information ghettos. That is, the country’s ethnic communities rarely use one another’s media, even when language is not a barrier, and journalists reflect each group’s parochial interests. At best, the media reinforce Macedonia’s ethno-linguistic segregation. At worst, they provide biased, inaccurate, or inflammatory reporting that escalates interethnic tensions and encourages sporadic violence.64

Pinpointing the reasons for the Macedonian media’s (frequently) inappropriate, the European Commission clearly indicated that “the media are still frequently adopting views where ethnic ties prevail.”65

Although the situation over the years has slowly progressed, some of the basic deficiencies remain unchanged from the post-communist period. Both Freedom House reports and the analytical reports of the European Commission clearly display a set of issues that the Macedonian media should reform in order to reach a higher degree of independence and social responsibility. A summary of the basic reasons for the media’s problems is best expressed in the words “the media are structurally weak, perform poorly and are not independent. Radio, television and printed media remain under Government political and financial control.”66 Furthermore, the problem is that “top posts are filled by political appointments”67 where “cases of intimidation of journalists and obstruction of their work have been reported.”68 The political (and financial) dependency of the media is the biggest challenge, alongside the following issues:

- General political bias and relatively biased election coverage
- Lack of resources
- Lack of professionalism
- Inadequate legal framework for the media
- Violence over the media
- Harsh penal provisions for the media

In regards to specific minority issues, progress was made through “initiatives in support of reform (...) undertaken in the media sector, such as the creation of a

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67 Ibid.
68 Ibid.
television channel broadcasting programmes in minority languages.\textsuperscript{69} Though media in minority languages have flourished in the post-conflict period (even the Macedonian Radio and Television - MRTV established a separate channel for minority language programs after 2001), the media gap between different ethnic communities has not yet been bridged.

In addition to the second MRTV channel for minority language programs (Albanian, Turkish, Serbian, Roma, Bosnian and Romani) the first (partly) bi-lingual private channel ALSAT, which broadcasting in 2003, represented a positive step. The latest EC progress report (2007) shows that there is a significant political influence on the media in the Republic of Macedonia.

In regard to the Macedonian civil sector, one cannot escape the conclusion that civil society activism in Macedonia is mostly channeled through the two biggest umbrella foundations/organizations in the NGO sector: Foundation Open Society Institute - Macedonia (FOSIM) and the Macedonian Center for International Cooperation (MCIC). Given that the Macedonian NGO sector is highly dependent on funds mainstreamed through these two organizations, it is the activism within the framework of these organizations that determines a large portion of the overall civil activism.

The activities of the MCIC in the post-conflict period in Macedonia are very similar to those of the UNDP in terms of aiding local communities with vital issues. In the post-2001 period, the MCIC has sponsored a large number of projects assisting areas inhabited by various ethnic communities (including former crisis areas) in the country with projects such as building water supply systems (Jegunovce and Smenshovo) or offering trainings in critical fields for small rural communities (administrative work, project management etc.). Furthermore, the foundation has promoted a special project on inter-religious cooperation as well as projects dealing specifically with Roma issues (mostly health and education).

FOSIM is the second major actor in the civic sector in the Republic of Macedonia. Its activities during the post-conflict years focus mostly on enhancing civil activism as well as on various minority-related topics (particularly on the Roma population). In the 2004-2007 period the FOSIM foundation has supported the following projects connected to minorities:

\textsuperscript{60} Ibid.
<table>
<thead>
<tr>
<th>YEAR</th>
<th>PROJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>▪ Training for Roma businesswomen&lt;br▪ Roma inclusion decade&lt;br▪ Children’s Theatre Center (CTC) - situated in the Odl Bazaar&lt;br▪ Citizen’s advisory groups (cooperation between the police and the local communities)&lt;br▪ School for democracy (trainings in democracy and rule of law topics for NGO activists)</td>
</tr>
<tr>
<td>2005</td>
<td>▪ Start of the Roma decade&lt;br▪ Effective strategies for Roma education support&lt;br▪ Training for Roma businesswomen</td>
</tr>
<tr>
<td>2006</td>
<td>▪ Supporting the Roma population in Macedonia&lt;br▪ Roma education grant&lt;br▪ IT training for Roma high-school children&lt;br▪ Monitoring the action plans regarding the Roma decade</td>
</tr>
<tr>
<td>2007</td>
<td>▪ Roma education programme&lt;br▪ Programme on self-employment and entrepreneurship for Roma&lt;br▪ Women’s NGO meeting - living in a multicultural environment</td>
</tr>
</tbody>
</table>

Source: Foundation Open Society Institute - Macedonia

In addition to the above-mentioned projects, FOSIM includes members of all ethnic communities within its structure of supported NGOs as well as in the broader scope of project activities.

5. Analysis and Conclusions

Let us analyze the presented material by applying the theoretical instruments of several champions of reconciliation theory. Let’s begin with Lederach’s criteria: “truth, justice, mercy, and peace”.

The reconstruction after the period of violence has been completed. Nevertheless, not all of the internally displaced persons (IDP’s) have returned to their homes. There are around 700 IDP’s of non-Albanian origin that still cannot return to their homes in the majority Albanian areas because they face direct threats and the police cannot efficiently guarantee their safety.

In areas of Macedonia along the border with Kosovo populated by ethnic Albanians there are armed groups fighting the Macedonian police and claiming that they are defending the Albanian people’s land. Therefore, one cannot say that there is peace in the country. There was an amnesty law for all NLA members who had not committed war crimes. One could argue that this is the essence of
“societal mercy.” Truth is the final element of Lederach’s four crucial components of reconciliation. There is no common understanding of the “truth” about this conflict. While the “Macedonian block” seeks the truth of the conflict as “aggression from Kosovo with some support from domestic Albanians”, the ruling ethnic Albanian DPA speaks of a coup d’état against their government in 2001. The political descendant of the NLA, the DUI party, celebrates 2001 as a fight for human rights. No “truth commissions” have been established. Truth is connected to justice. As argued in Chapter II, justice has not yet been served. The Macedonian officials indicted for war crimes in The Hague are in the process of being tried, while the cases that have to be processed in the Macedonian judiciary, including the one against the leadership of the NLA, have not even “arrived” in Macedonia from The Hague.

If we perform a simple analysis of all the international community donor programmes in post-conflict Macedonia that have been presented in this paper, we will note that the term “reconciliation” does not appear even once! We would find the terms reconstruction, stabilization, minority protection, democracy, implementation of the OFA and confidence building. The latter is an important step to reconciliation, but not a sufficient one. Reconciliation necessitates the absence of violence and inter-ethnic empathy.

If reconciliation requires “truth, justice, mercy, and peace”, Macedonia is still at the beginning of the process. Following Bloomfield, Barnes and Huyse, however, we must take into account that reconciliation has two dimensions - one looking backwards and one facing forwards. The former includes the “personal healing of survivors, the reparation of past injustices, the building or rebuilding of non-violent relationships between individuals and communities, and the acceptance by the former parties to a conflict of a common vision and understanding of the past.” It is clear that Macedonia does not yet satisfy the conditions for reconciliation as a “backward looking operation.” Instead, the domestic political actors and the international community have been focused on the “forward looking dimension” of reconciliation, meaning that the focus was, and still is, on “enabling victims and perpetrators to get on with life and, at the level of society, the establishment of a civilized political dialogue and an adequate sharing of power.”

Ethnic conflict managers from among the domestic elites and the international community estimated that the future-oriented dimension of reconciliation would be crucial for immediate stabilization of the inter-ethnic situation. By giving hope of a better future for all citizens of Macedonia, symbolized by EU and NATO integration, the key actors of the conflict aim to “buy” time in which stable and peaceful inter-ethnic relations could develop. The reforms made in public administration, in the judiciary and in the economy aim to provide better living conditions for all citizens. If Macedonia becomes a NATO member in 2008, this would be a great boost and guarantee of the external integrity of the country – a factor that would further stabilize ethnic conflict. The final status of Kosovo is the last crucial element of the puzzle. If Kosovo Albanian demands for independence are not met in a way that they accept, one could anticipate violence in Kosovo and another spill-over of the crisis into Macedonia.

In conclusion, we argue that the future-oriented dimension of reconciliation was applied in Macedonia, in the hope that in the meantime, favorable economic, political, security, and social conditions would be created. This would make inter-ethnic relations “ripe” for implementing the painful and potentially explosive

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71 Ibid.

72 Ibid.
“backward operation” of reconciliation. Without the latter, however, there is no real reconciliation, nor sustainable peace.
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