PATTERNS OF CONFLICT RESOLUTION
IN THE REPUBLIC OF MACEDONIA

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ABSTRACT

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The Macedonian case shows how strong ethno-national identities, ethnic distinction and division became conflict-generating only with change to a new nation-state form, and violent only with transnational population movements which threatened radically to change the internal power balance. Conflict was a product of ethnic exclusion, but not simply a function of internal nation-state interests in exclusion. Even more it was a function of the wider regional instabilities, regional economic problems and regional population movements which incentivise exclusion. It shows too how settlement may be reached by reliance on international organisations to oversee and ensure state reform towards greater inclusion, in this case by making it a condition of EU and NATO membership. Throughout we make clear the radically conflicting interpretations of events and processes, attempting, through a "levels of analysis" approach (see Cordell and Wolff, 2009: 6-10) to take account at once of ethnic Macedonian, ethnic Albanian and international perceptions and interpretations.

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PATTERNS OF CONFLICT RESOLUTION IN THE REPUBLIC OF MACEDONIA

INTRODUCTION

The Macedonian case shows in a new light several of the features highlighted in the introduction to this volume. In this case, strong ethno-national identities, ethnic distinction and division became conflict-generating only with change to a new nation-state form, and violent only with transnational population movements which threatened radically to change the internal power balance and brought an influx of armed militants. It shows how ethnic antagonism is not simply a function of internal nation-state interests in exclusion but even more of the wider regional instabilities, regional economic problems and regional population movements which incentivise exclusion (Wimmer, 2002; Gleditsch, 2007). It shows too how settlement may be reached by reliance on international organisations to oversee and ensure state reform towards greater inclusion, in this case by making it a condition of EU and NATO membership (see Vasilev, 2011).

If, on the one hand, the case shows the dangers of nation-state development for multi-ethnic inclusion, it also shows how nation-states are always situated in a regional context that defines their development. The post-Yugoslav Balkan context in which Macedonia was situated made it significantly more difficult to move to a multi-ethnic state. It incentivised state level exclusion and promoted ethnic assertion, with neighbours providing models that encouraged ethno-national strength rather than moderation. Hislope (2003) points out that the weakness of Macedonia, with a population of a mere 2 million, a weak economy and low-capacity state, has allowed the international community to exercise more influence than in neighbouring states. Extreme nationalists in Macedonia and its neighbours take the moral that greater strength and assertion would more effectively serve national interests. This assertion however, ignores the fact that contemporary Macedonia exemplifies some of the most forward-looking global arrangements for power-sharing and autonomous development. In this context, the convergent views of the inhabitants of Macedonia—both Macedonians and Albanians—that the international context of NATO and EU provides a institutional shield and safety net without which conflict is likely to re-emerge appears accurate (Liotta and Jebb, 2002; Vasilev, 2011). It is for this reason that the "name" question—whereby Macedonia (FYROM) is blocked from full participation in NATO and the EU—is of such importance (Vankovska, 2010).

In what follows, we trace the origins and process of conflict and settlement in Macedonia, asking why the initial attempts to stabilise the Macedonian state from its foundation in 1991 failed, culminating in a seven-month period of violence in 2001. We also examine why and whether the Ohrid Framework Agreement (OFA) of 2001 has partially succeeded. Throughout we make clear the radically conflicting interpretations of events and processes, attempting, through a "levels of analysis" approach (see Cordell and Wolff, 2009: 6-10) to take account at once of ethnic Macedonian, ethnic Albanian and international perceptions and interpretations. The first part of the paper deals with the facts and interpretations of conflict, the second

analyzes the post-independence phase of Macedonian state-building and its positioning in regional constellations; the third part looks at the conflict potential within Macedonian society and the patterns of violent conflict and the fourth part deals with the OFA, its composition and implementation

MACEDONIA AND THE CONFLICTING INTERPRETATIONS OF CONFLICT

The Socialist Republic of Macedonia (SRM)—one of the six constituent republics of the Socialist Federal Republic of Yugoslavia (SFRY) was situated in the southern part of the territory of the federation. It was economically one of the least developed of these republics, and today suffers from grave economic problems and over 30% unemployment (Liotta, 2000; Reuter, 2001). It has a population of approximately 2 million, one-quarter ethnic Albania, two-thirds ethnic Macedonian, with smaller proportions of Turks, Vlachs and Bulgarians. To track population changes over time is highly contentious, since Albanians only accept the 2002 census—the only one monitored by the international community—as legitimate: given this uncertainty, however, it seems clear that the Albanian proportion of the population has increased significantly over the last half-century (see Table I). Liotta's judgement in 2000 that it is "the last genuinely multi-ethnic state in the Balkans" is equally valid today (see Table II). It is a land-locked state, bordered by Greece, Albania, Kosovo and Bulgaria.

Table (I)

Population Distribution Macedonia, 1953-2002

	1953	1961	1971	1981	1991	1994	2002
Macedonians	66%	71%	69%	67%	65%	67%	64.18%
Albanians	12%	13%	17%	20%	22%	23%	25.17%
Turks	16%	9%	7%	5%	4%	4%	3.85%

Source: Statistical Yearbook of the Republic of Macedonia, 1998 and publicly available data from the 2002 census.

Table (II)

Total population of the Republic of Macedonia according to ethnic affiliation,

Total	Macedonians	Albanians	Turks	Rhomas	Vlachs	Serbs	Bosniaks	Other
2022547	1297981	509083	77959	53879	9695	35939	17018	20993

Source : the 2002 census

Unlike other constituent states of SFRY, Macedonia experienced violent conflict only in 2001, almost 10 years after its officially declared independence in 1991. The seven months of armed confrontation between Macedonian state security forces

and the ethnic Albanian National Liberation Army (NLA) in 2001 became the focus of public, political and academic debates in particular because of the opposing perceptions and standpoints why violence escalated and who were the main actors in the conflict. (Ackermann, 2001 pp117-135).

Issues in contention include:

i.   Was the 2001 experience an inter-ethnic conflict (between ethnic Macedonians and ethnic Albanians within the state) or a war (between state security forces and NLA).

ii.   Was the violent confrontation a spill over effect from the Kosovo-Serbian crisis or it was internally driven violence?

iii.   Is the Ohrid framework agreement (OFA) a political agreement (signed by legitimate political leaders of the ethnic Macedonian and ethnic Albanian political parties) or a peace agreement (signed under the mediation of EU and US representatives, ending the violent confrontation of security forces and NLA)?

If on an Albanian interpretation, the OFA was a settlement of a long-running mostly non-violent conflict based on state exclusion of the Albanian population, on a Macedonian interpretation it is primarily a peace agreement, whereby Macedonian state is pressured by the international community to concede considerable political ground (Hislope, 2003). There is, however, convergence in the opinion that the conflict of 2001 and the signing of the OFA marked the turning point of political and inter-ethnic relations in Macedonia. The Agreement signed on August 13, 2001 has been translated into constitutional and legal changes, such that Macedonia post-2001 is post-Ohrid Macedonia. However the expectations of the OFA and satisfaction with it vary considerably between Macedonians and Albanians, because of the differences in interpretation mentioned above.

The starting assumption of this article is that conflict in Macedonia has been multiply determined, not simply by an inter-ethnically generated process but also by the contagious effects of the conflicts and violence experienced in the region during dissolution of FY (Heike Krieger, 2000: 236-237). The second assumption is that because the OFA has been divergently perceived, the implementation process has been challenging and uneasy. Those (mainly ethnic Macedonians) who take the conflict as exogenously generated and the OFA as a peace agreement, expect that the imposed agreement be respected and not reinterpreted. Those (mainly ethnic Albanians) who see inter-ethnic inequalities and human rights abuses as key causes of conflict and violence, and who consequently see the OFA as a political agreement to remedy these, are more likely to emphasise the "framework" status of the OFA and the need for implementation that effectively remedies these abuses. Still, at time of writing (June 2011), whether or not the OFA has stabilized interethnic relations while serving as a barrier against political misuse and manipulation of ethnicity, and whether the OFA has succeeded in improving ethnic policy management and stabilizing the political system, are sensitive issues and

perspectives are ethnically divided. Ten years after the crisis and introduction of normative and institutional reforms the internal conflict potential may have been reduced - and we show indications of this in this article - but there is also reason to believe that ethnic relations are still a destabilizing factor. Moreover the extent to which the OFA has transformed Macedonia into an efficient and functional multiethnic democracy is of great political importance for the successful candidature of the country for EU and NATO membership.

MACEDONIA IN THE WESTERN BALKANS[1]: POLITICAL AND IDENTITY CONSTELLATIONS

The Republic of Macedonia declared its independence through national referendum confirmed by the adoption of the Constitution in 1991. It thus became an independent actor in the political map of Europe and the Balkans in the context of the dissolution of the Federation of Yugoslavia. This dissolution was seen by the then political elite as creating an uncertain opportunity for Macedonian political and national independence (Shea, 2008:155-192). Macedonian independence, declared on September 8th, 1991 followed the declarations of independence of Slovenia and Croatia (June 25th, 1991) and was in turn followed by independence for Bosnia and Herzegovina where a referendum was held on March 1st 1992 and the Declaration of Independence on April 5th, Montenegro on June 3rd, 2006 and Kosovo on February 17th, 2008. The emergence of an independent Macedonian state was overshadowed by bloodier processes of disengagement from Yugoslavia elsewhere in the region. Meanwhile Macedonians felt trapped between the prospect of "spill over" conflicts and violence from the north (BiH and Kosovo) and questioned national identity from neighbouring countries, not least Greece (Liotta and Jebb, 2002: 96).

Macedonian historians have traced the emergence of the Macedonian nation to the nineteenth century in a revolutionary struggle for freedom and the political manifestation of Macedonian national consciousness (Ristevski, 1999; Roudomentof, 2000; Brown 2000). The Ilinden uprising in 1903 against Ottoman rule and Antifascist Assembly of the National Liberation of Macedonia (ASNOM) in 1944 are two important symbolic events in the process of Macedonian nation building. The struggle continued with the establishment of a federation of Yugoslav republics and proclamation of the Macedonian state on August 2nd, 1944; the first Government on April 16th, 1945 and adoption of the first Constitution of People's Republic of Macedonia in 1946. Negative memories relate to the partition of ethnic Macedonians with the Bucharest peace agreement (1913) that followed the second Balkan war and the continuous challenging of Macedonian identity in language, culture or ethnicity (Liotta, 2000: 72-76;). These memories resurfaced in the 1990s as Macedonians faced new challenges and threats following independence (Beska and Najcevska, 2004).

POST INDEPENDENCE–MACEDONIAN STATE BUILDING AND INSECURITY

While the peaceful separation of Macedonia from Yugoslavia and the withdrawal of the Yugoslav Peoples Army (JNA) can be considered a successfully negotiated settlement (Gocevski, 2001), there is evidence that it was peaceful because

Milosevic assumed that Macedonia could easily be divided amongst its neighbours (Gaber, 2007:19; Liotta, 2000:74). Macedonian independence was soon imbued with old historical and political controversies over Macedonian identity and statehood (Liotta and Jebb, 2002; Lampe and Mazower, 2004). Although its neighbour Bulgaria immediately offered official recognition (followed by Turkey and other countries) the views of the EC member states at the time, were largely influenced by the position of neighbouring Greece, who refused to accept a border with an entity that identified itself in its constitution as the Republic of Macedonia. The so-called "name issue" created one of the most controversial identity conflicts for the new state and had major political and economic consequences, not least for the EU accession process. (Roudometof, 1996: 253-301; Vankovska, 2010). On April 7, 1993 the Security Council of the United Nations adopted Resolution 817 (1993) accepting the country's application for membership of the UN, but because of Greek opposition to the name, Macedonia was admitted under the temporary title "the former Yugoslav Republic of Macedonia" While the period of independence and subsequent struggle for international recognition was the crucial first phase in Macedonia's history as an independent Balkan actor, it failed to adequately address the existing and emerging problems.

Politically, as we have seen, Macedonia remained relatively isolated, under potential and perceived threat from Serbia and symbolic and political threat from Greece. Economically, the disintegration of the Yugoslav Federation brought disruption, deepened by the imposition of an embargo by the UN Security Council on the new Yugoslavia (Serbia) and the unilateral trade embargo imposed by Greece on Macedonia as a measure to convince the new state to change its constitutional name (Reuter, 1999: 38-9). The unemployment rate in the 1990s was over 20% and poverty widespread. Ethnically, Macedonia's heterogeneity became more politically salient in the transition to independence, when different concepts of nation and state took on immediate and palpable political and social relevance (Adamson and Jovic, 2004). The divisions between Macedonian and Albanian already encompassed language, church and conceptions of what the new "state" entailed. In this environment, ethnicity was easily polarized and politicized in the process of nation-state formation, which made demographic proportions—who is the majority and who is the minority—so much more important than in the multileveled Former Yugoslavia (Atansov, 2004). "Stateness" came to divide Macedonian and Albanian, as Albanians became a minority and Macedonians experienced the call for the recognition of "collective rights" for the Albanian ethnicity. The right of "self-determination" came to be seen a lack of loyalty or call for secession.

The new constitution became a focus of ethnic division, both the act of independence and the constitution of Republic of Macedonia divided Albanians and Macedonians in the new state. Ethnic Albanians, who often describe themselves as a non-majority instead of a minority, were not pleased with their own status in the new Macedonian society and boycotted both the referendum on independence and on the constitution in September 1991. In addition, the Albanians refused to participate in the 1991 census and contested the results. They held their own

referendum on territorial autonomy in January 1992, which was declared illegal by the government. Many consider these key symbolic moments in 1991-2 as the basis for the continued ethnic tensions in the country due to their salience and mobilising effects for both the Albanian and the Macedonian communities. To be more specific, the constitution has been identified by Albanian political parties as the main generator of discontent which eventually led to the events of 2001. Macedonians treated both issues as proof of the disloyalty of ethnic Albanian citizens, which is of particular importance because of the constant denial of Macedonian identity by nationalists from neighbouring countries.

The questions that worried Macedonians through the 1990s were whether Macedonian state and identity would survive under the pressure of regional conflicting dynamics and whether internal stability would be preserved under the pressure of socio-economic problems and inter-ethnic tensions. The presence of UNPREDP, the first UN preventive mission deployed to monitor and report disturbances on the northern border with Serbia and Kosovo and on the western border with Albania was a calming factor but not sufficient to safeguard internal stability (Sokalski, 2005). In the opinion of Ackerman (2000) and Lund (1998), Macedonia until 2001 was a success story of conflict prevention. However the internal tensions and regional difficulties were plain to see. In this context, impact of the Kosovo crisis on inter-ethnic relations was profound. The influx of 360,000 refugees, in 1999—with whom Albanians emphasized as kin—threatened the capacity of the state, while attempts at repression enraged Albanians (Gleditsch, 2007).

POST-INDEPENDENCE: STATE EXCLUSION, INTER-ETHNIC RELATIONS AND ALBANIAN POLITICS

While the conflict structure in Macedonian society is complex, the state plays a key role. Ethnic Macedonians consider the Republic as their nation-state. This was clearly expressed in the preamble to the new 1991 constitution: "Macedonia is established as a national state of the Macedonian people, in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachos, Romanics and other nationalities living in the Republic of Macedonia." The constitution of Macedonia was altered from its origins in ex Yugoslavia stating that "(Macedonia is) the state of the Macedonian people and the Albanian and the Turkish nationalities" to "(Macedonia is) the national state of the Macedonian nation". According to Daskalovski (2002), we can identify three categories of citizens: the Macedonians as the primary bearers of the right to the state, the nationalities mentioned and then those assigned to the category of "others". The notion of "permanent co-existence" seemed to be designed to divide rather than to integrate groups. The Macedonian ownership of the state was also implied in Article 7, which declared the Macedonian language, written in the Cyrillic alphabet as the official language of the state, and Article 19, which made special reference to the Macedonian Orthodox Church. Albanian political parties demanded major reforms in the constitution and also in the public life in regard to use of languages, representation at the civil service, and decentralization (Daskalovski

2002). As a consequence in January 1992 the Albanian community's referendum on territorial autonomy was held.

The situation in Kosovo during 1980's and 1990's influenced the sensitivity and insecurity of ethnic Albanians in Macedonia. The constitutional changes of Yugoslavia in 1989 and the reduction of autonomy for Kosovo stimulated fears amongst the Albanian community for their position in Macedonia (Heike Krieger, 2001). Degrees awarded by the Universities in Tirana and Pristina had a long process of accreditation in Macedonia and often were not recognised at all. Not having access to higher education resulted in restricted access to jobs in the civil service for ethnic Albanians. This was also used as a justification for the low numbers in the civil service on the one hand and served as basis for calls for education in Albanian and a separate Albanian university on the other. This issue served to dis-improve the constitutional position of the Albanian community and again it was named as a "crisis generator" (Mehmeti, 2001). The issue of higher education in Albanian became a key demand, and one that was to provoke a series of violent incidents during the 1990s. The Albanian community, moreover, questioned the considerable discrepancy between constitutional rights and the implementation of these rights in everyday life. There was an under-representation of Albanians in the civil service, the armed forces and the police. This, in turn, was linked with a low level of socio-economic development in the Albanian community - accurate statistics are hard to attain, but male unemployment in Albanian regions of Macedonia in the 1990s was much higher than the country average of 22%. Although Albanians were granted formal political rights and even seats in cabinet, and some attempts to remedy their underrepresentation in state positions were made through the 1990s, it is claimed that real political influence was lacking - their representatives were outvoted and the pace of reform was slow (Ackerman, 1999: 88-94; Hislope, 2003:132-3). With regard to the Macedonian community, the Albanian community's less than full allegiance to the new state was taken as good reason in an insecure environment to exclude them from important parts of the state apparatus. Macedonians saw Albanian dissatisfaction and demands for a bi-national state as opening the way for secession and the carve-up of Macedonia.

It would, however, be wrong to see the inter-ethnic picture in the 1990's as uniformly bleak. From 1992 a UN mediator—Geert-Hinrich Ahrens—spent much time negotiating with Macedonian and Albanian political leaders, attempting to move them towards a more inclusive polity (Ahrens, 2007: 401- 412; Ackerman, 1999: 102-5). The issues discussed were precisely those discussed again in 2001: changes in the Macedonian Constitution; Albanian language education; inclusion of Albanians in all government bodies and an internationally monitored census of the population. Significant advances were made as early as 1992, and a working paper that prefigured the later OFA agreed to that included changes in the constitution and Albanian language education. The fact that negotiations took place shows both the reality of the problems and the fact that Macedonian state representatives were not closed to discussing or even remedying them. Indeed Ackerman, (1999: 88-94), details other examples of Macedonian state and ethnic Albanian parties' attempts at accommodation. Yet they were working in an unstable environment with limited

state capacity and considerable corruption. Attempts at implementation finally slowed when international attention was drawn away in the mid 1990's by the Bosnian crisis.

THE 2001 CRISIS

Macedonians and Albanians have been living together for centuries in the region. Their relations have ranged from coexistence and respect to armed conflict. However, relations deteriorated sharply as the 1990's progressed, and there were violent clashes in Skopje, Tetovo and Gostivar (Ackerman, 1999: 65). However this did not stop informed observers, albeit worried about the impact of the Kosovo conflict, from seeing multi-ethnic Macedonia as an "oasis of peace" in the region. (Ackerman, 1999; Liotta, 2000) The armed conflict in 2001 was the worst violence between the two ethnicities and cannot be explained without reference to the Kosovo conflict and refugee-movement which served to massively exacerbate existing ethnic tensions and provided resources for and repertoires of militancy for (often unemployed) Albanian youth (Gleditsch, 2007).

This uneasy peace ended at the beginning of January 2001, after several National liberation army (NLA) armed attacks on state security forces triggered a political and security crisis. (Ackerman, 2001). The NLA claimed to be fighting for Albanian national rights in Macedonia. Hostility between the NLA and government troops lasted eight months, and cost 180 lives, until 13 August 2001 when a peace agreement was signed at Lake Ohrid. The agreement was endorsed by four representatives, two each, of the main Macedonian and Albanian political parties, and the President of the Republic, with presence of international mediators from the EU and US.

The violence cast a shadow over the future, both in providing repertoires of blame and in deepening mistrust and demographic insecurity among Macedonians who found their state boundaries confirmed but their state structure radically changed. Very different explanations of the violence continued to mirror divisions of political and ethnic perspective. The literature on the 2001 crisis began by outlining the chronology of events and describing the escalation process, only later moving towards analysis of causality (Frckoski, 2004: 2-12). Debate has focused on several aspects, which serve as starting points for deeper analysis:

- Some have argued that the Macedonian crisis was a consequence of the effects (contagious and diffusion) of regional conflicts in the Former Yugoslavia and 1999 NATO intervention in Kosovo. The Macedonian conflict was "collateral damage" of conflict mismanagement; (Gurr and Davis, 1998: 193)

- Some explained events in terms of a cross border "intervention" from Kosovo aimed at initiating a wider ethno -political mobilization of Albanians behind the idea of "greater Albania"; (Bercovitch, Kremenyuk and Zartman, 2009: 599)

- Some explained the crisis as a consequence of the very different ideas about whom the country "belongs" to and how its political system should look (Naimark and Case, 2003: 140). These differing perspectives drove inter-ethnic tensions

and divisions, with Macedonians becoming wary of the fact that reform may undermine the stability of the state, while Albanians contend that their rightful equality within the state, as guaranteed in the OFA is being denied.

OHRID FRAMEWORK AGREEMENT

The Ohrid Framework Agreement (OFA) was signed on August 13, 2001. It was negotiated in the city of Ohrid located in the southwestern part of the country and signed in Skopje in the English language by President Boris Trajkovski, the leaders of the two biggest Macedonian and two biggest Albanian political parties and "witnessed by" the Special Representative of the European Union, Francois Leotard and the Special Representative of the United States, James W. Pardew. The OFA represents an "agreed framework for securing the future of Macedonia" as it sets the basic framework of legislative and policy changes without dwelling to much on the details. It strengthenes the multiethnic character of the state through expanding the rights of ethnic communities while simultaneously proclaiming the state's territorial integrity and unitary character.

In the implementation of the OFA the parliament legislated for constitutional amendments and adopted numerous laws or revised existing ones, with nearly two-thirds focused on decentralization issues. The main thrust of the constitutional amendments had the effect of enhancing the power-sharing mechanisms of the political system to prevent any further discrimination against Albanians at civil, economical, social and political levels; the recognition of Albanian as an official language by increasing the number of official languages to include any language spoken by at least twenty percent of the population; raising the ethnic community composition of the state police force; the legalization and state financing for the previously "illegal" University of Tetovo, and amnesty for rebel fighters (Brunnbauer, 2002).

The Agreement consists of a number of basic provisions, together with three annexes: Annex A on constitutional amendments, Annex B on legislative modifications and Annex C on implementation and confidence-building measures.[2] The first provision, entitled "Basic Principles" the OFA defines a number of principles that are important for successful implementation of the provisions. Firstly, it stipulates that signatories rejects the use of violence in pursuit of political aims and emphasise that only peaceful political solutions can assure a stable and democratic future for the country. Secondly, it reaffirms the sovereignty, territorial integrity, and the unitary character of the State and stresses that there are no territorial solutions to ethnic issues. Thirdly, it states that the multi-ethnic character of the society must be preserved and reflected in public life. Fourthly, with regard to the constitution as the highest legal document in the country, it states that the "modern democratic state in its natural course of development and maturation must continually ensure that its Constitution fully meets the needs of all its citizens and comforms with the highest international standards, which themselves continue to evolve". Finally,it states that the development of local self-government is essential for encouraging the participation of citizens in democratic life, and for promoting respect for the identity of communities. (Ohrid Framework Agreement, 2001).

Point 2 titled "Cessation of Hostilities" envisages complete cessation of hostilities and completes voluntary disarmament of the NLA with the assistance of NATO in the process.

With regard to local self-government, the OFA, under Point 3 titled "Development of Decentralized Government" foresees major changes. The agreement envisaged the revision of the Law on Local Self-Government by enlarging substantially the competencies of the municipalities as units of local government in the country in areas such as: public services, urban and rural planning, environmental protection, local economic development, culture, local finances, education, social welfare and health care. Furthermore, in the area of decentralization the OFA envisaged the adoption of a new law on revenue raising of the local self-government and the revision of the boundaries of the municipalities. The adopted new laws transferred a wide range of competencies to the local governments, including the management of primary and secondary education, medical and social services and all cultural institutions and activities, as well as all the usual communal competences.[3]

A very important part of the OFA is point 4 titled "Non Discrimination and Equitable Representation" dealing with non-discrimination and equal treatment of all in particular in employment to public administration and public enterprises as well as access to public financing for business development. In order to ensure this, the OFA envisages that the law on employment in public administration includes measures to assure equitable representation in all central and local public bodies and those authorities take action to correct present imbalances. A special note is mentioned on the composition of the police force accordingly as well as the Constitutional Court and the Ombudsman.

"Special Parliamentary Procedures" is point 5 of the OFA dealing referring to the so-called "Badinter rule" which requiring a double majority for adoption of certain Constitutional amendments and law. The double majority requires a majority of the total number of votes as well as a majority of Representatives belonging to non-majority communities in the country. The laws to be adopted by double majority also include laws that directly affect culture, use of languages, education, personal documentation, use of symbols, local finances and elections, city of Skopje and boundaries of municipalities.

Point 6 deals with "Education and Use of Languages". With regard to education the OFA creates the possibility for study in Albanian language in primary, secondary and university education with State funding. Before the OFA, State funding for university level studies in Albanian was not provided. With regard to the use of languages, the OFA reaffirms that throughout Macedonia and in international relations the Macedonian language is in use while also the language spoken by at least 20 percent of the population is also an official language to be regulated by law. Under this law, "any language spoken by at least 20 %" is understood to be Albanian because no other community comes close to the 20% threshold. Here, it is interesting why the OFA does not formally refer to the Albanian language but to the vague formulation of "the language spoken by the 20% of the population". The OFA furthermore refers to use of languages in court procedures according to

international standards as well as flexible use of languages in the local government and in regards to personal official documents.

Point 7 deals with "expression of identity" and refers to the possibility of local authorities to use emblems marking the identity of the community in the majority next to the emblem of The Republic of Macedonia according to international rules and usages.

Point 8, entitled "implementation" foresees a timetable of 45 days for the adoption of the constitutional amendments while for the legislative modifications foresees a timetable to be specified. Under this title the OFA envisages a donors' conference to assist the country in coping with the economic consequences caused by the conflict as well as implementation of the OFA in many areas.

Under point 9 titled the OFA incorporates the Annexes that are the "integral parts" of the agreement. Having in mind the importance of the Annexes, a short analysis of their content follows.

As stated before, Annex A is on Constitutional Amendments.

The aim of the constitutional amendments is to enhance the power-sharing mechanisms of the political system. The most important constitutional amendments of the Agreement are:

- Replacing the term "other nationalities" with the term "communities" in the new preamble when used to refer to minority groups.

- Increasing the number of official languages to include any language spoken by at least twenty percent of the population (amending Article 7). Macedonian is still the official language of the state, to be used as the only official language in foreign relations. The same change was made at the local level: languages spoken by at least 20% of inhabitants of a municipality will also serve as official languages in local self-government.

- Equitable representation of all communities is affirmed as a fundamental value of the constitutional order (Article 8). The practice of positive discrimination for communities is practiced in state administration and, for example, the police.

- Increasing protection for the freedom of religion and the abolishment of the dominant position of the Orthodox Church (amending Article 19).

- The Constitution affirms the right to freely express, foster and develop the identity and community attributes as well as the protection of identity of all. Members of communities have the right to establish institution and other associations for their benefit and have the right to education in their language in primary and secondary education (Article 48).

- Introduction of double majority principle in the Parliament when voting on laws that directly affect culture, use of language, education, personal documentation, and use of symbols, as well as on laws pertaining to decentralisation.

- Strengthening of the Ombudsman's role who is responsible to give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life.

- Establishment of a Parliamentary Committee for Inter-Community Relations responsible for deliberation on issues of inter-community relations and proposing solutions for resolving issues.

Under Annex B ("Legislative Modifications"), the OFA determines that the parties take all necessary measures to adopt legislative changes within time limits of the following laws: on local self-government, local finance, municipal boundaries, police located in the municipalities, civil service and public administration, on electoral districts, use of languages, public attorney as well as other unspecified laws and legislative provision that may be necessary for the full implementation of the OFA or to abrogate all provisions incompatible with the OFA. Besides this, Annex B foresees the modification of the Rules of the Procedure of the Assembly to enable the use of the Albanian language

Under Annex C ("Implementation and Confidence Building Measures") the OFA states that the parties invite the international community to facilitate the implementation of the OFA. Specifically, the parties request the international supervision of the Census and of the parliamentary elections. The parties commit themselves to and request the assistance of the international community in the process of refugee return, rehabilitation and reconstruction, the strengthening the local self-government, non discrimination and equitable representation, culture education and use of languages.

After the Agreement was signed, representatives of the international community in the country exerted constant diplomatic pressure on Macedonian leaders to ensure that the OFA was ratified and implemented completely. Implementation of the provisions became the main condition for the process of candidature for membership of the EU. Bowing to international pressure, after an initial delay, the parliament adopted 15 constitutional amendments and 70 new or revised laws, nearly two-thirds of which focused on decentralization issues.

There are still imperative sectors, which need reform, like the official use of the Albanian language, national symbols, proportional budget division, financial issues, police and the judiciary, and measures to fight corruption effectively still need to be developed. The legislative framework changes are largely in place, but its effective implementation is yet to be ensured, together with a full respect of the spirit of the Ohrid Framework Agreement.

A number of discussions and debates on the importance and nature of the OFA followed after it was signed. These debates centre on the issue of whether the OFA was an international agreement or an internal agreement within Macedonia. These debates were of theoretical but also practical importance, for instance, this determined if the agreement was binding or not and if yes what is its relation to the Constitution and the legal system of the country. With the adoption of the Constitutional Amendments based on the OFA, these discussions lost relevance. From the moment that these changes took place in the Constitution as well as in the laws of the country the implementation of the OFA at the same time was the implementation of the Constitution and of the laws of the country. There remains, however, debate as to whether and how far the legislative changes were the true reflection of the OFA.

POST-OHRID MACEDONIA

While it is very true that the Ohrid Framework Agreement was the product of the military crisis of the time and most likely it would not have existed at all without it, it is also true that calls for major constitutional and legal reforms that would properly reflect the ethnic composition of the country in the public sphere were made since the independence of Republic of Macedonia. Good timing is very often the key for success and while the agreement and all what it stands for was unacceptable prior to 2001, today is praised by the people of Macedonia and the international community as the Agreement that brought peace to the country and transformed Macedonia into a multiethnic state while in the same time preserved its unitary character.

The OFA from ten years perspective is regarded as the corner stone of the stability of the country.

The polarization of the two main ethnic groups has continued to be a major challenge for the future democratic development of the Republic of Macedonia. The OFA remains an essential element for democracy and the rule of law in the country. There has been some progress on implementing the law on languages, on decentralization and equitable representation. Continuous efforts, through dialogue, are needed to fulfil the objectives of the Agreement and ensure its full implementation. Furthermore, political elites still use ethno-nationalistic rhetoric for mobilization of their respective ethnic groups. Constitutional changes have fuelled mistrust, power struggles and, what is even more noticeable, caused a continual decline in confidence into the political process.[4]

A key element of the Ohrid agreement was the holding of a national census that would provide a critical basis for determining ethnic representation in public sector positions and the institutionalisation of minority rights legislation. Earlier census proceedings and results had been disputed by the ethnic Albanian community, which felt that their numbers were misrepresented. After a delay, a new census was held in November 2002. The results confirm the fact that Macedonia is a multiethnic and multicultural country. According to the last census (State Statistical Office)[5], 1297981 of the population is Macedonian, 509083 is Albanian, and the rest of the

population is made of Turks, Serbs and other nationalities. International monitoring reported a successful process with limited irregularities. Delays in processing census data postponed the release of final results until December 1, 2003. A joint U.S., EU, OSCE, and NATO statement lent full international support to the census results as published (see table one above). Some nationalist opposition members on both the Macedonian and Albanian sides have disputed the results.

Fulfilment of the last requirement of the Ohrid accords has involved a package of laws to devolve governing power from the centre to local authorities and redraw administrative boundaries at the local level. This effort reflected a critical element of the Ohrid process since it would address the ability of ethnic Albanian communities to exercise greater rights in local areas where they are concentrated. However, the decentralisation process also involved basic territorial issues that would affect power balances at the local level, and revived dormant fears about possible ethnic partition. Over the summer of 2002, the government proposed, and parliament passed (after protracted debate), legislation on reforming local self-government.[6] The laws propose gradually reducing the number of municipalities in Macedonia from 123 to about 84 and establishing new boundaries for them.[7] Local governments gained greater authority over education, policing, social welfare, financing, and other policies. Opposition parties on both sides of the ethnic divide criticized aspects of the law, and nationalist Macedonian groups predicted greater ethnic divisions as a result. Especially contentious were redistricting plans for the towns of Skopje, Struga, and Kicevo, which under the new municipality boundaries would merge with surrounding ethnic Albanian villages and, in the case of Struga, revert to an Albanian majority. Supporters countered that, in addition to supporting the Ohrid process and the country's aspirations for NATO and EU membership, the new plan would produce a greater number of ethnically mixed municipalities than before. Other groups criticized the lack of transparency exercised during government negotiations on the specifics of the law, including territorial boundaries. Decentralization, which is a basic principle of the Ohrid Framework Agreement, continued. The Law on Inter-Municipality Cooperation,[8] which is intended to help municipalities exercise their powers more effectively, was enacted in June 2009. Municipal tax collection improved. Municipalities received a higher share of the revenue collected from management of State-owned land. Efforts were made to strengthen the capacity of municipalities in the areas of property tax administration, public financial management, debt management and financial control. Staff were trained and more effective working procedures were put in place. Municipalities also improved in the field of educational attainment. However, revenue remains insufficient to allow municipalities to perform their tasks comprehensively.[9]

Management of State-owned land is still centralized. The Association of Municipalities (ZELS) continues to hold important responsibilities for moving forward the decentralisation process.[10] The administrative capacity of some municipalities, particularly the smaller ones, remains low in the areas of financial management, tax administration and financial control. In some municipalities property tax collection is not adequately monitored or enforced and the databases of taxpayers are not updated. The transparency and accountability of local

government administration remains inadequate. In several instances, trained staff of municipal service centres were replaced following the election of a new mayor. Flow of data between the cadastre, the civil registry, the Public Revenue Office and the municipalities needs to be improved. The Ministry of Local Self-Government is not facilitating the decentralisation process sufficiently; finally the local government budget unit in the Ministry of Finance lacks capacity to support fiscal decentralisation.

The Ohrid Framework Agreement remains a crucial guarantee of the rights of the non-majority communities in the country. The capacity of the Secretariat for the Implementation of the Ohrid Framework Agreement needs to be improved so that it may coordinate effectively the implementation of policies such as equitable representation and the provisions on the law on languages. There has been some progress on implementing the Law on Use of Languages spoken by at least 20% of the citizens. As provided for by the law, some chairpersons of parliamentary committees began using Albanian. Little progress can be reported regarding use of the languages of the smaller ethnic communities, it also needs to provide more regular and comprehensive information about progress in implementation. As provided for in the Law on Protection and Enhancement of the Rights of Ethnic Minorities, groups, who represent less than 20% of the population, a specialized agency for protecting the rights of these minorities was set up as an independent State administrative body. The agency is intended to act as an advisory body to the government on minority issues. Already two successive directors have been appointed and the agency is still not operational, in the absence of adequate staff and budget.

On the local level Local Committees for inter-ethnic relations have been set up in most municipalities where they are required by law and also in 14 other municipalities with sizeable minority populations. The public are largely unaware of their role and their recommendations are often disregarded by the municipal councils. The law on civil servants establishes an obligation on public bodies to comply with their annual recruitment targets for non-majority communities. A single data collection system for the entire public sector has not yet been established. There are no strategic human resources planning to ensure gradual fulfilment of the recruitment targets for non-majority communities.

CONCLUSION

The polarization of the two main ethnic groups has been and continues to be a major challenge for the future democratic development of the Republic of Macedonia. Furthermore, political elites still use ethno-nationalistic rhetoric for mobilisation of their ethnic group. Constitutional changes have fuelled mistrust, power struggles and, what is even more noticeable, caused a continual decline in confidence in the political process. Still, there has been some progress on equitable representation and the government undertook initial steps to address the issue of implementation of the law on languages and to foster inter-ethnic integration in the education system. Nonetheless, integration of ethnic communities remains limited.

Effective implementation of the Ohrid Framework Agreement needs to be maintained, in a spirit of consensus.

The remaining problems, like the conflict itself, have both internal and external dimensions. Although significant internal changes have been made, the continuing delay in membership of NATO and the EU, because of the name dispute with Greece, and the increasingly serious economic difficulties, have exacerbated the sense of resentment among ethnic Macedonians, and of impatience among Albanians. Progress in what remains the Balkans only truly multi-ethnic polity will require continued international support.

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[1] The "Western Balkans", a political term introduced by European Union within the assistance process for Southeast Europe, incorporates all the countries of ex-Yugoslavia with the exception of Slovenia, and the addition of Albania.

[2] The full text of the Ohrid Framework agreement is available at:

http://www.coe.int/t/e/legal_affairs/legal_cooperation/police_and_internal_security/OHRID%20Agreement%2013august2001.asp

[3] The issues of decentralization are regulated by Amendments XVI and XVII of the Constitution of the Republic of Macedonia.

[4] For a more detailed exploration of the theme of "trust" in political and civil society institutions in Macedonia see here: http://www.mcms.org.mk/images/docs/2011/trust-in-macedonia-2010.pdf

[5] State Statistical Office, 2005, "Total population, households and dwellings according to the territorial organization of the Republic of Macedonia, 2004", *Census of population, households and dwellings in the Republic of Macedonia, 2002*. Skopje. Macedonia.

[6] Law on Local Self-government in the Republic of Macedonia. Official Gazette of the Republic of Macedonia No. 2/2002.

[7] Over 2004 the Parliament of the Republic of Macedonia passed the Law on Territorial Organization of the Local Self-Government in the Republic of Macedonia. Official Gazette of the Republic of Macedonia No. 55/2004.

[8] Available at the Official Gazette of the Republic of Macedonia No. 79/2009.

[9] See Commission of the European Communities, 2009: Analytical Report for the opinion on the application from the Former Yugoslav Republic of Macedonia for EU membership, COM 533, p. 11.

[10] The Association of the Units of Local Self Government was formed in 1972 but was reconstituted when the new Law on Local Self Government was enacted in 1996. During the period between 1990-1996 when there was no overall law on local government, ZELS was very active on behalf of the municipalities. According to the Association's statute adopted in October, 2004, the overall mission of ZELS is to advance the principles of local governance through the various activities.