
Macedonia and the Ohrid Framework Agreement: Framed Past, Elusive Future

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Abstract

Macedonia was the only Yugoslavian republic to make a peaceful transition to statehood at the time of the federation's collapse. Yet tensions between ethnic Macedonians and Albanians over the constitutional design of the state meant it remained vulnerable to violence, to which it succumbed in 2001. Civil war was averted with the signing of the Ohrid Framework Agreement, which promised to distribute power more evenly between the two. This settlement is portrayed in opposing extremes: by Macedonians, as a prelude to the demise of the country; by Albanians and the international community, as a guarantor of its existence. This paper eschews such interpretations. While it remains the best solution for preserving

Macedonia's inter-ethnic equilibrium and facilitating its integration into Euro-Atlantic institutions, the Framework Agreement is not without flaw. Above all, it has marginalised smaller ethnic communities, embedding a de facto bi-national state in which Macedonians and Albanians predominate politically over all others.

Key Words

Macedonia, Ohrid Framework Agreement, Balkan Wars, conflict resolution, decentralisation.

Introduction

Most ethnic Macedonians-politicians and average citizens alike-acknowledge that, historically, ethnic Albanians have been excluded from the country's decision-making processes. Notwithstanding the talk of equality that greeted the post-Yugoslav transition of the early 1990s, Albanians were the subject of political and economic discrimination during Macedonia's¹ first decade as an independent state, as they had been in communist times. Albanian power was always nominal, certainly at

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the elite level. Instead, Albanian power was limited to control of peripheral ministries, a ploy designed to lend the state a veneer of legitimacy in the eyes of Macedonia's largest ethnic minority community, comprising some 25% of the population.² In the framework of this 'nationalised state',³ Macedonians controlled all major levers of power. In the same vein, Albanians were under-represented in the public administration, and use of the Albanian language in parliament and higher education was prohibited.

For the Albanian community, which, given its size, felt entitled to the same rights and privileges as the titular nation, the lopsided concentration of power established

at independence was a source of great discontent, one which its political representatives proved unable to address through Macedonia's fledgling democratic institutions.

One should not downplay Macedonia's non-violent transition to independence. Poor, multi-ethnic and surrounded by neighbours who denied its existence in one form or another, Macedonia's post-Yugoslav elite were confronted with a set of risk factors that many feared

would doom it to violence. Particular credit is due to its leadership at the time, which eschewed nationalism and made concessions- internally and externally- that set Macedonia on a different course from other Yugoslavian republics. Yet, with such a large segment of the population dissatisfied with their status, the peace attained was always a tenuous one. The exclusion felt by Albanian-Macedonians, and the sense of victimhood this fostered, reached a tipping point in January 2001, at precisely

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the half-way point of Macedonia's post-Yugoslav existence, when a small guerrilla force, the National Liberation Army (NLA), took up arms to address the imbalance.

What occurred in the months that followed has been well documented and need not be repeated here. What is clear is that an initially localised insurgency concentrated deep along the Kosovo border was allowed to metastasise to major population centres and push Macedonia perilously close to civil war, the outcome of which, not inconceivably, could have precipitated its territorial division.

A deteriorating situation on the ground, allied to an inability to find a

breakthrough on the political track, placed Macedonia on a trajectory that local elites appeared incapable of correcting. Indeed, civil war was largely averted only thanks to the diplomatic intervention of the European Union (EU), the United States, the Organization for Security and Cooperation in Europe (OSCE) and the North Atlantic Treaty Organization (NATO), culminating in August 2001 in the signing of a far-reaching political settlement, the Ohrid Framework Agreement (OFA).⁴ Subsequent to this, NATO deployed a 3,500-strong peacekeeping force, Operation Essential Harvest, to oversee disarmament of the NLA,⁵ as per the terms of the OFA. The latter, negotiated by Macedonia's four major political parties⁶ under European and American auspices at the lakeside resort of Ohrid, called for fundamental changes to Macedonia's power-sharing arrangements, designed to better integrate ethnic minorities- above all the Albanians- into the day-to-day running of the state, in exchange for a cessation of violence and a commitment by all to the political process. The document also reaffirmed Macedonia's unitary shape, ruling out federalisation and, in doing so, assuaging a core concern of the majority community. The OFA has set in motion a series of constitutional and legislative reforms to expand the political and cultural rights of ethnic minorities,

including allowances for the official use of their languages and national symbols at the state and local level. These rights, however, are not automatic; for them to be triggered at the state level, an ethnic minority community must represent at least 20 % of the country's population, or, to take effect at the local self-government level, 20% of a municipality's population. Of Macedonia's many ethnic minorities, only Albanians satisfy this threshold at the state level, placing them, in effect, on a constitutional par with Macedonians.

To be sure, implementation of the Framework Agreement has been a lengthy and contentious process, particularly in the initial stage, as political elites and ordinary citizens struggled to make sense of its *raison d'être* amid much conjecture. For all the fear-mongering it provoked within the majority community, the country has made substantive progress in institutionalising the agreement's four core provisions: (1) devolving administrative authority from the central to municipal level; (2) achieving equitable representation in the public administration; (3) providing greater scope to non-Macedonians to express their ethnic identity through the use of their symbols and languages in government and in higher education; and (4) strengthening the parliamentary clout of ethnic minorities with the introduction of a double majority rule

on specific legislation. From a formal standpoint, this process is now in its final stage.

The relatively low-level nature of the clashes in Macedonia is significant, not only in terms of allowing the country to return to normalcy relatively quickly, but also in creating a post-conflict environment amenable to the implementation of a peace settlement.

The reconfiguration of power affected by the OFA has no precedent in Macedonia's history, and, as such, met resistance from an ethnic Macedonian public fearful of upending an internal balance of power that had always been tilted in their favour. By no means can the Framework Agreement be considered perfect. In the first instance, the process of its 'making' caused great bitterness among ethnic Macedonians, who- not without credence- claimed it rewarded violence, cultivating a sense of apprehension about the agreement, and about the outsiders who were perceived to have imposed it against their will, which lingers to this day. Public polls indicate that, while having gained acceptance over time, the document continues to be opposed by a majority of ethnic Macedonians.⁷

Further, from a practical viewpoint, it has not improved Macedonia's internal cohesion in any noticeable way, and has stunted the development of a truly multi-ethnic polity, facilitating and entrenching instead a bi-national state in which Macedonians and Albanians predominate politically over all others. For all these caveats, one can credibly say that, with the passage of time, the OFA has proved the best solution to the security crisis that engulfed the country and to the underlying grievances that fuelled it. The concessions arising from the Framework Agreement have been pivotal to the preservation of Macedonia's post-conflict inter-ethnic equilibrium, their implementation having kept it on a path to ultimate integration into Euro-Atlantic (EU and NATO) structures. The fact that its critics have never been able to offer a viable alternative is particularly telling. Even members of the former 'anti-Ohrid faction',⁸ who pressed for a military solution at the height of the conflict and obstructed its implementation thereafter, have since retracted and praised the OFA for contributing to post-conflict stability.

Political Possibilities and Pitfalls

This paper examines how the Framework Agreement has played out

on the ground in the 12 years since it was signed, juxtaposing the imagined political effects of the document with its actual consequences. It proposes that, for all its faults, there exists no sustainable alternative to the power-sharing framework established by the OFA, and, as such, that its full and unconditional implementation must be recognised as an absolute strategic priority. That said, the Framework Agreement should not be read as a panacea for Macedonia's myriad ills. The country has inherent structural weaknesses- an official rate of unemployment approaching 32%,⁹ widespread poverty, an amorphous democratic political culture- that, left unchecked, threaten to disrupt the fabric of its society. In isolation, the OFA is insufficient to guarantee Macedonia's long-term future as a stable, multi-ethnic democracy. Rather, its full implementation must be understood as merely a means to an end, namely, accession to Euro-Atlantic institutions, and not an end in itself.

Scholars rightfully point out that what occurred in Macedonia in 2001 was unique, certainly in comparison to the conflicts fought on the territory of the former Yugoslavia in the 1990s.¹⁰ Measured in terms of physical destruction, internal displacement and loss of life, the Macedonian conflict does not compare with antecedents

in Croatia, Bosnia-Herzegovina and Kosovo.¹¹ Upon its formal cessation, the insurgency is estimated to have claimed between 200-300 lives, primarily state security and rebel forces, and displaced 180,000 others.¹² The relatively low-level nature of the clashes in Macedonia is significant, not only in terms of allowing the country to return to normalcy relatively quickly, but also in creating a post-conflict environment amenable to the implementation of a peace settlement. For all the enmity the violence sowed, Macedonia did not cross the Rubicon, whereby political and public attitudes against the 'Other' hardened to an extent that made rapprochement impossible.

As a political settlement, the Framework Agreement is a complex amalgam of constitutional, legal and security components. The lengthy process of its implementation commenced in the immediate post-conflict period with the disarmament of the NLA, administered over a period of 30 days by NATO troops. Then followed the more substantive (and politically fraught) tasks of amending the constitution to formalise the concessions made at Ohrid,¹³ part of which included changes to the wording of its preamble, to lend the state a civic definition in which all citizens would be constitutionally equal, and securing passage through parliament of the Amnesty Law, the controversial provision that pardoned

all NLA members in return for demobilisation. The precise ordering of these components proved to be a wedge issue: where Macedonians placed greatest store on security measures, Albanians emphasised the upgrading of their legal and constitutional status above all else. While the restoration of order- in the form of the disarmament and demobilisation of the NLA, and the return of police forces to former conflict areas- was necessarily fundamental, the security component of the Framework Agreement was supplanted by the legal and constitutional rationales with the country's stabilisation. Indeed, the latter two components, by affecting substantive changes to Macedonia's political system and democratic procedures, constitute the essence of the OFA.

The OFA is often proclaimed as the best of all the peace agreements signed on the territory of the former Yugoslavia. In theory, its key features are not exclusive to Macedonia- provisions for power-sharing, disarmament and reconciliation feature prominently in the accords that ended hostilities in Bosnia-Herzegovina and Kosovo, and are *de rigueur* in most contemporary peace settlements. In practice, however, the OFA- as an instrument and process designed not only to secure immediate peace, but to address those structural deficiencies that gave rise to the violence

and, post-conflict, promote a semblance of inter-ethnic reconciliation- has clearly worked better than settlements elsewhere in the region. The Bosnian and Kosovo accords have kept the peace, at least when understood as an absence of war, yet entrenched political deadlock and *de facto* territorial partition. As already noted, these divergent experiences are partly explained by the depth and breadth of the respective conflicts. Another important explanation is that implementation of the OFA, ultimately, has been driven by local rather than foreign forces. This is an important point of difference; while influential and very visible special representatives of the EU have monitored and supported the implementation process, the international community has never had to deploy an all-powerful proconsul with veto powers over Macedonia, along the lines of Bosnia-Herzegovina and Kosovo, as a cudgel with which to ensure progress. Of course, international parties have prodded- at times forcefully- local elites and proffered carrots whenever this process has appeared to stall,¹⁴ and the inducement of NATO and EU integration offers the ultimate incentive for reform. Even so, in the absence of domestic political will, meaningful change is difficult to achieve. The seminal role played by the EU and the United States in bringing Macedonian

and Albanian interlocutors to the negotiating table and leveraging them into an agreement is beyond dispute. It is no exaggeration to say that, in their absence, civil war was likely. Yet, in terms of the Framework Agreement's actual implementation, local elites- Albanians and Macedonians alike- have been in the vanguard, championing the inter-ethnic model proposed at Ohrid as pivotal to the country's long-term wellbeing and passing relevant legislation in an independent and generally timely fashion, however unpopular with the majority community.

Critics of the Framework Agreement, convinced that Albanians view Macedonia only as a transitional entity, were quick to warn that its implementation would pave the way for the country's future disintegration. These fears have proved groundless; each stage of implementation has actually diminished the likelihood of it being formally divided or 'cantonised' along ethnic lines. Today, Macedonia, *de facto*, remains firmly divided along its main, Macedonian-Albanian fault line, as it always has been: the two communities speak different languages, practice different religions and inhabit different parts of the country. Nevertheless, *de jure*, Macedonia retains its unitary shape, which, post-conflict, it has never been in danger of losing; political elites

remain committed to the Framework Agreement and its full implementation, and the Albanian public is satisfied with their post-conflict lot. The OFA, in and of itself, was never going to precipitate Macedonia's territorial dissolution; in fact, its core provisions- as a means to redistribute power more equitably between Macedonians and Albanians and thus provide a basis for long-term stability- should have been adopted well before the onset of violence. So long as politicians adhere to the spirit and letter of the document, such a scenario will not come to pass.

Though requests to revise the OFA, or even draft a completely new document, have been made by the Albanian side, these have failed to gain traction, as a result of two factors. Firstly, requests for change have come almost exclusively from the opposition Democratic Party of Albanians (DPA), which did not object to the Framework Agreement while in government, nor articulated a viable political and legal alternative. In 2009, it requested the OFA be scrapped and replaced by a successor agreement,¹⁵ one that proposed Macedonia's federalisation and the creation of a vice presidential office, to be set aside for the Albanian community; however, the DPA's plan has not met with any major approval, as underscored by its failure to make any substantial electoral inroads. This

links to the second, more peremptory explanation: the Albanian electorate in Macedonia has displayed not even the slightest enthusiasm for retrograde measures, neither before nor during election periods. According to Gallup, in 2008, 70% of Albanians were satisfied with the Framework Agreement as a long-term solution to Macedonia's ethnic problems.¹⁶ This sentiment has manifested itself clearly at the ballot box: in the preceding 12 years, Albanians have never voted in significant numbers for those opposing the OFA, which partly explains the decline of the DPA, the pre-eminent force in the Albanian-Macedonian body politic in the 1990s. In effect, the DPA's machinations amount to nothing more than political opportunism. The party has (mistakenly) calculated that to discredit and ultimately supplant the OFA is the only way it can outflank the Democratic Union for Integration (DUI), the party formed by the demobilised leadership of the NLA in the immediate post-conflict period, and which has long displaced the DPA as the dominant Albanian political force in Macedonia. The DUI's political legitimacy is inextricably linked to the 2001 conflict and the attendant Agreement, as it is the DUI, in its previous guerrilla guise, which is understood in the popular consciousness to have 'won' the war and the subsequent

changes to the constitution – the very changes the DPA was unable to achieve through political means in the 1990s. In the DPA's reckoning, a new agreement will undercut the DUI's 'revolutionary' and, by extension, electoral legitimacy in the eyes of Albanian voters, hence its challenge of the agreement.

Pillars of the Agreement: Shattered or Fixed?

Decentralisation vs. Federalisation

In July 2001, when the methodological and procedural details for the Ohrid negotiations were defined, the first proposal put forward by the representatives of the Albanian community was to federalise the country. This was rejected immediately by the Macedonian interlocutors and foreign facilitators, on the grounds that a federal model was inappropriate, given Macedonia's size, and also because it ignored the implications for ethnically-mixed urban areas such as Skopje. Instead, the EU and the United States suggested the term 'meaningful decentralisation', a compromise solution that would provide local governments with substantive autonomy- in terms of policy-making and revenue-collection- from the centre, but fall short of

territorial and political autonomy. Either way, the OFA explicitly rejects territorial solutions to ethnic issues,¹⁷ and the position formally endorsed by successive post-conflict governments has been of a more inclusive unitary state, as opposed to an ethno-federal one.

Decentralisation called for a streamlining of Macedonia's municipal borders, a process that was driven- in theory, at least- by demographic, economic and infrastructural considerations.

Decentralisation is very much fundamental to the Framework Agreement: roughly two-thirds of the 70 laws that have been introduced or revised as a result of the OFA relate specifically to it.¹⁸ The provision for decentralisation, and the redrawing of Macedonia's municipal borders on which it is based, has proved the most difficult to implement, and remains a formidable challenge for ethnic leaderships on all sides. Macedonia, given its communist past, emerged from the former Yugoslavia as a highly centralised entity; municipal authorities, in essence, had few substantive responsibilities beyond garbage collection and street cleaning, and were totally reliant on the state for funding. In the words of Sally Broughton,

Laura Davis, et al., Macedonia was 'possibly the most centralised state in Europe'.¹⁹ Post-Ohrid, in contrast, substantive responsibilities have been transferred to local governments in such areas as taxation, primary and secondary education, health care, infrastructure and the appointment of police chiefs.²⁰

The ethnic Macedonian public interpreted this development in negative terms. Most equated the empowerment of local government with federalisation,²¹ and feared that administrative autonomy for Albanian municipalities would act as a precursor to the country's fragmentation. Decentralisation, however, at its core, was never an ethnic issue. Rather, the transfer of powers from the centre to the periphery was predicated on a twin, ethnically-neutral logic, designed to benefit all communities: one, that it would improve the provision of public services and promote administrative transparency at the local level; and, two, that it would encourage citizens to play a more active role in local decision-making,²² and in doing so strengthen their sense of ownership of the state. Decentralisation called for a streamlining of Macedonia's municipal borders, a process that was driven- in theory, at least- by demographic, economic and infrastructural considerations.²³ In reality, the inverse was true: the ethnic factor proved just as prominent, if not

more so. An implicit understanding existed among the Macedonian negotiators at Ohrid that reorganisation of these boundaries would entail some ethnic gerrymandering, a trade-off they were reluctantly willing to make. Further, by addressing their longstanding demand for greater administrative autonomy at the local government level, the Macedonian side reasoned it would obviate a future Albanian push for formal federalisation.

Implementation of the Law on Local Self-Government, which was adopted by parliament in January 2002, has been characterised by a number of shortcomings, particularly in the initial stage – giving the impression to many citizens that the purpose of decentralisation was to create new internal borders, rather than better services for all. The fact remains that, in some parts of the country, ‘redistricting’ was based, first and foremost, on political and ethnic interests, rather than on economic and socio-geographical ones. In drawing new municipal borders, the Albanian side worked towards two goals: one, to create a maximum number of Albanian-majority municipalities, and, two, to ensure that most Albanian-Macedonians fell under the jurisdiction of municipalities in which they constitute a majority. Today, Albanians are a majority in 16 of Macedonia’s

85 municipalities, while 79.3% of all Albanian-Macedonians reside in Albanian-majority municipalities.²⁴

As this process took shape, the key issue – of whether local governments would have the personnel to manage their new responsibilities and collect the revenues to adequately meet the needs of their communities- was largely missed. For years, Macedonian and Albanian mayors alike were unified in demanding the devolution of more competences from the centre, yet lacked the institutional and financial capacities to carry them out. The outcome has been a predictable one: a weak state transformed into a patchwork of weak municipalities. While progress has undoubtedly been made, with post-Ohrid legislation strengthening the financial viability of the periphery by expanding its powers to tax and increasing fiscal transfers from the centre, many local governments, particularly in rural areas, continue to lack the means- human, institutional and financial- to provide the services for which they are theoretically responsible.²⁵

Though it has appeased Albanians, the process of decentralisation- 12 years on- can be said to have been plagued by two failings. Firstly, it has not necessarily met its stated objective of enhancing the effectiveness and transparency of local government- a not entirely unexpected

development, and one that is likely to improve over time. Decentralisation remains very much a work in progress, both in terms of full and unconditional transfer to local governments of those competences stipulated in the Law on Local Self-Government and in building the capacity of these governments to fulfil their post-Ohrid responsibilities.²⁶ The second and greater cause for concern relates to the manner in which decentralisation has been implemented on the ground: to the extent that it has been driven by ethnic considerations above all else, it has seemingly aggravated the segregation of Macedonia's two largest ethnic communities, and thus, in practice, worked against the consolidation of a truly cohesive country.²⁷

Equitable Representation and Legitimacy of the Macedonian State

The strategic importance to Macedonia's long-term stability of achieving equitable representation in the public administration and other state institutions was recognised early in the Ohrid negotiations. In a multi-ethnic society, for all communities to buy into the state, institutions must accurately reflect its ethnic composition, which was evidently not the case in post-

communist Macedonia. Accordingly, in the name of balanced representation, political elites agreed to a 'quota system'- based on an ethnic community's proportion of the population- to govern future recruitment and promotion in the public administration, including the police force. While the move towards proportional representation is to be applauded, the introduction of ethnic quotas has had two major unintended consequences. Firstly, it has swelled the ranks of an underperforming public sector. By way of background, the process of implementing this provision was accompanied by feverish speculation by ethnic Macedonian political parties and media, designed to stoke fear within the majority community. For instance, it was misleadingly suggested that Macedonians would be removed from their positions and replaced by Albanians. As a basic point of departure, the public administration is highly inefficient and, more importantly, oversized. However, in order to maintain social stability and preserve a delicate inter-ethnic equilibrium, a unique phenomenon has emerged in the post-conflict period whereby the Macedonian party in power²⁸ has kept its obligation to ethnic quotas by recruiting Albanians, but, in parallel, hired just as many, if not more, Macedonians. Such policy is clearly unsustainable, with the public

administration consuming 15% of the state budget.²⁹ Yet utmost priority was given to its undeclared political goals: firstly, it would alleviate social tensions brought about by high unemployment and, more importantly, provide thousands of voters a stable income. The net result is not only costly, but distorted: while thousands of Albanians have been added to the public administration, in real terms, the ethnic ratios dictated by the most recent national census remain unmet. Put another way: one of the main objectives of the OFA, to achieve proportional representation in the public administration, is further from fruition today than it has been at any point in the preceding 12 years.³⁰

Secondly, the quota system has elevated ethnic origin over meritocracy in recruitment processes. Though the article on equitable representation explicitly mentions ‘competence and integrity’ as a basis for enrolment,³¹ ethnic (and political)³² considerations have assumed precedence in virtually all areas. To the extent that individuals are recruited by dint of their ethnicity, as opposed to their level of education and experience, this practice is counterproductive. While the pursuit of ethnic balance in a diverse society like Macedonia’s is a commendable and necessary goal, it should not come at the expense of a professional, proper functioning public

administration. This is not to dismiss the provision for ethnic quotas *per se*, only the manner in which it has been implemented. In effect, politicians have used recruitment into the public administration to buy popular support, regardless of its cost. So long as public finances allow, they have little incentive to curb this practice, which augurs ill for the efficacy and fiscal sustainability of Macedonia’s public sector.

Ethnic Symbols in a Unitary State

Alongside their under-representation in state institutions, a core grievance of the Albanian community related to restrictions on the official use of the Albanian language and public use of the Albanian flag. Unlike the communist era, when it was permitted under specific circumstances,³³ Macedonia’s post-Yugoslav elite outlawed the flying of the Albanian flag on public buildings- as it did other foreign flags- on the grounds that it implied allegiance to a foreign state. For ethnic Macedonians, this was a specially emotive issue, not only because of the nationalist climate of the day in the Balkans, but also because neighbouring countries appeared to be engaged in a systematic campaign to discredit the authenticity of Macedonians’ ethnic identity and/or deny Macedonian

minority communities situated inside their borders the right to freely express this identity. In a major flashpoint in 1997, the mayors of Tetovo and Gostivar, two predominantly Albanian cities in the northwest of the country, were arrested and imprisoned during demonstrations against the ban, with dozens of others subjected to police maltreatment.

Against this backdrop, the issue of foreign flags was the subject of heated debate at Ohrid. Ultimately, it was agreed they could be flown on public buildings—together with the Macedonian flag³⁴—in municipalities where an ethnic minority community is in the majority. The corresponding Law on the Use of Flags of Ethnic Communities was incrementally adopted in the post-conflict period, and was eventually passed by parliament in 2005; however, two years later, the Constitutional Court struck the law down, on the grounds that only the official state flag, that is, the Macedonian flag, should be flown on public buildings – prompting the resignation of its two Albanian judges, including Mahmut Jusufi, the court's president. In practice, the Constitutional Court's decree was largely ignored, with successive governments preferring instead to respect the arrangement reached at Ohrid. This arrangement was formally confirmed by amendments to the law being passed in July 2011, to

permit the public use of foreign flags in local government units where an ethnic minority community accounts for 50% of the population. More broadly, the right to freely express ethnic symbols as part of one's cultural identity has been gradually accepted by Macedonians, and proved an important factor in the deceleration of tensions between the country's two dominant communities.

The Framework Agreement also elevated Albanian to the status of a second official language, thus allowing for its use in parliament,³⁵ and an official language—alongside Macedonian—in units of local self-government where Albanians are 20% of the population.³⁶ The final wording of the constitution relating to this change is contested, however, and has prompted diametrically opposed readings across the two communities. Macedonians prefer to differentiate between the Macedonian language as the prime 'state' language, insofar as its usage is stipulated throughout the entire territory and in the country's international relations, and the Albanian language, which has equal status only in those municipalities where Albanians comprise 20% of the population. Conversely, Albanians tend to overemphasise the passage of the OFA that stipulates 'any other language spoken by at least 20% of the population is also an official language',³⁷ and neglect the

subsequent paragraphs, which delineate their usage at the local level, where, for a minority language to enjoy official status, it must satisfy the 20% threshold. In other words, while the OFA has elevated the status of Albanian and expanded its usage, in reality, Macedonian, as the sole language enjoying official status *throughout* the country, one that is not subject to any constitutional threshold, as well as Macedonia's official language in its international dealings, maintains primacy over all others.

As a peacebuilding strategy, political integration can advance reconciliation between former warring parties, and is often the difference between long-term stability and renewed violence.

The issue of the use of minority languages in education was likewise a source of friction between the Macedonians and the Albanians. Indeed, it is here where the tensions of the 1990s were principally played, specifically over the state's policy prohibiting the use of Albanian as a language of instruction at the tertiary level. While Macedonia's post-Yugoslav constitution allowed Albanians- as it did other minorities- to be instructed in their mother-tongue at primary and secondary school

levels, together with the Macedonian language,³⁸ they decreed that, for purposes of social cohesion, tertiary-level instruction be delivered strictly in Macedonian. This created a deep sense of grievance among Albanians, who perceived it as a deliberate ploy to deny them a university education and hinder their employment prospects, prompting mass demonstrations and violent clashes with the police. In 1995, in a major flashpoint in the Tetovo suburbs, one demonstrator was killed when police closed the premises of the Albanian-language University of Tetovo, which the government refused to accredit. Significant progress had been made in resolving this impasse prior to the outbreak of insurgency, and was eventually addressed by the OFA, which allows for state funding for university-level education in those languages spoken by 20% of the population.³⁹ In addition to legalising the University of Tetovo, the Framework Agreement also facilitated recognition of the South East European University, also situated in Tetovo, where instruction is provided in Albanian, Macedonian and English. While Macedonians occasionally criticise the existence of two Albanian universities as straying beyond the parameters of the OFA, on the whole they recognise the economic and social benefits they bring in the form of a better educated

and upwardly mobile population. In this respect, the agreement on the issue of Albanian-language higher education was belated.

Transforming Rebels into Civilians

The political integration of former militants, however unpalatable, is a price many states emerging from violence have had to pay for peace. From Northern Ireland to Nepal, militants have been integrated into the very structures of the state they waged war against- at which point they have disavowed the method that facilitated their political rise. Understandably, this process, inasmuch as it rewards violence, is a problematic one, particularly for those to whom the violence was directed at. Yet, as a peacebuilding strategy, political integration can advance reconciliation between former warring parties, and is often the difference between long-term stability and renewed violence. Macedonia highlights many of these tensions and contradictions. Post-Ohrid, it has absorbed the entire leadership of the NLA into state institutions- a political precedent unknown in Europe in the last 50 years. Generally speaking, these individuals have played a positive role in consolidating and strengthening the peace. Given their past, however,

they continue to be perceived by most ethnic Macedonians as ‘terrorists’, and, as such, are unlikely to ever be fully trusted or accepted by the majority community.

Certainly, emotions from 2001 continue to run deep among ethnic Macedonians, as ongoing allegations of war crimes against former members of the NLA, spanning both its leadership and rank-and-file, illustrate. In 2002, the International Criminal Tribunal for the former Yugoslavia (ICTY) assumed jurisdiction over five cases of alleged war crimes, four involving the NLA and one involving the Macedonian state security forces. An indictment was issued only for the latter, relating to the extrajudicial killing of 10 Albanian civilians by Macedonian police in the village of Ljuboten in August 2001.⁴⁰ The four cases⁴¹ concerning the NLA for which ICTY failed to issue indictments were returned, in 2008, to the Office of the Public Prosecutor for re-examination, to the anger of Albanian political parties, which claimed that the cases in question fell under the purview of the Amnesty Law and therefore had no validity.⁴² As many of the suspected individuals- including its leader, Ali Ahmeti- are senior members of the DUI, which has spent most of the post-conflict period in coalition government, the lingering uncertainty delayed the formation of a new government following the

general election of June 2011. The issue was resolved only when the newly constituted parliament voted to extend the Amnesty Law to these cases, thus halting all outstanding court proceedings on suspected war crimes.⁴³

In constructing a political and social system that better reflects Macedonia's ethnic distribution, the compact reached between the Macedonian and Albanian leaderships at Ohrid provides a basis for long-term peace between its two largest communities.

Clearly, this outcome was in the interest of those in power, given that the DUI had made the annulment of proceedings a precondition for re-entering into coalition with its senior partner, the Internal Macedonian Revolutionary Party- Democratic Party for Macedonian National Unity (VMRO-DPMNE). Yet it also reinforced the sense of injustice on the part of ethnic Macedonians that prominent DUI officials would not be held to account for their actions from the previous decade. While the flexibility of the VMRO-DPMNE, the dominant political force in Macedonia since 2006, helped resolve the impasse, principles of international law that

bar war crimes from being covered by national amnesty laws were ignored. Amnesty International was particularly vocal in its criticism, claiming in a press release that the decision would 'have the effect of denying justice, truth and reparation to the victims of the 2001 armed conflict', and, to that end, enjoined the government to reopen the cases.⁴⁴ All things considered, coalition partners moved on this issue not out of a moral urge to close one of the remaining chapters of 2001, but for reasons of political expediency and self-interest, namely, to achieve the political consensus necessary to continue ruling the country.

Bi-nationalism in the End? Two People Instead of Many

The Framework Agreement has benefited Macedonia in multiple ways. In the first instance, it prevented what potentially could have become a protracted civil war, and one that likely would have drawn in neighbouring states. Secondly, its implementation has corrected structural inequalities that had long been a source of internal tension and instability. In constructing a political and social system that better reflects Macedonia's ethnic distribution, the compact reached between the Macedonian and Albanian leaderships at Ohrid provides a basis for long-term peace

between its two largest communities. In this sense, the 2001 settlement can be understood as an inflection point in Macedonia's democratic evolution. Finally, institutionalisation of the OFA's provisions has kept the country on course for ultimate NATO and EU membership. That said, a closer examination of trends on the ground in the 12 years since it was signed reveals a number of flaws, some already outlined. Possibly most fundamentally, it has slowly but surely moved Macedonia towards a bi-nationalism in which power is monopolised by Macedonians and Albanians at the expense of other communities. In and of itself, this trend should not necessarily be construed as negative- based on Macedonia's ethnic distribution, the trend is a natural one. However, it fails to justly reflect the country's broader, multi-ethnic reality.

Indeed, while elevating the constitutional and political status of Albanians, the rights stipulated in the OFA largely bypass smaller minorities such as Turks, Serbs, Roma, Vlachs and Bosniaks. Of these communities, the Turks meet the 20% threshold, triggering concessions relating to language and ethnic symbols at a local government level, in only three municipalities, and the Serbs and the Roma in one municipality each.⁴⁵ At a state level, none of these communities meet the designated

threshold. Even those provisions of the OFA that ostensibly apply to all non-majority communities, regardless of their share of the population, such as proportional representation in the public administration,⁴⁶ have been applied primarily to Albanian-Macedonians; as the International Crisis Group notes, Turks and Roma remain under-represented.⁴⁷ As a general observation, non-Macedonian and non-Albanian communities lack the numbers to wield any meaningful political influence. Absent a critical mass of people, these communities have been pushed further to the political margins post-Ohrid, giving rise to suspicions that the Framework Agreement has unintentionally created a *de facto* bi-national state, as opposed to the genuinely multi-ethnic one it ostensibly envisaged.

The move towards bi-nationalism has clearly suited the Albanian community, in the sense that, politically, it has effectively placed it on an equal footing with ethnic Macedonians- a trend that Albanians, naturally, have encouraged. This, in turn, has alarmed Macedonians, wary that the newly empowered Albanian community might one day threaten their primacy over the state. As a counterweight, its leadership has promoted a bigger political role for smaller ethnic communities, albeit with minimal success. Albanians have perceived the empowerment of

other minorities as a hidden agenda to dilute their political standing, and have instinctively pushed back against any such proposals.

Two examples attest to this behaviour. Firstly, while the official use of the languages of non-Macedonian and non-Albanian communities at the municipal level is subject to a discretionary decision by local decision-makers,⁴⁸ even where the language is not spoken by 20% of the population, as stipulated in the OFA, official status has been granted only sporadically in the past 12 years, and only after prolonged procedural infighting at the local council level.⁴⁹ Secondly, measures to introduce guaranteed parliamentary seats for smaller ethnic communities have been opposed by the Albanian parties. On average, smaller communities hold between one and four of Macedonia's 120 parliamentary seats, usually as a result of pre-election alliances formed with ethnic Macedonian parties- a level of representation that translates into merely marginal political influence.⁵⁰ While both the VMRO-DPMNE and the Social Democratic Union of Macedonia (SDSM) have previously supported suggestions to guarantee parliamentary seats for these communities as a means of enhancing the multi-ethnicity of local politics, they have routinely met resistance from the

Albanian side. Even those Macedonian parties formally propagating multi-ethnicity were doing so chiefly out of self-interest, insofar as the introduction of additional, non-Albanian minority seats would likely undercut the power of Albanian-Macedonians, and, since non-Albanian representatives generally side with Macedonian parties, theoretically strengthen their ability to pass legislation considered anathema by the Albanians.⁵¹ Ultimately, as individual communities, non-Macedonians and non-Albanians lack the numbers- and, therefore, the clout- to play a more decisive role in the country's politics. It is instructive to note that, in the last parliamentary election, three new seats were set aside for members of the Diaspora, but none for the smaller ethnic communities.

An important procedural aspect of binationalism is the Badinter majority,⁵² an innovative principle considered to be a key safeguard of the OFA. According to this rule, for amendments to the constitution and legislation deemed to be of specific importance to ethnic minorities- for instance, as they relate to local self-government, language, education and the composition of the Constitutional Court- to pass through parliament, approval is needed from a majority of all deputies *plus* a majority of deputies representing the minority communities.⁵³ The logic of Badinter

is to ensure ethnic minorities- whose representatives, on average, occupy a quarter of parliament's seats- cannot be outvoted by Macedonian deputies, based on a simple majority ruling, on sensitive constitutional amendments or legislation that has a particular bearing on them.⁵⁴ Concerns were immediately raised that the requirement of a double majority would needlessly slow parliament's decision-making. Undeniably, the Badinter procedures have empowered Albanians through the power of *veto* in prescribed areas; however, the pace of legislation-making has not changed in any discernible way from the pre-2001 period. What is more, the elevated legal threshold has forced political actors to actively explore ways to build consensus across the ethnic divide- a positive development that, hitherto, had largely been absent from domestic politics.

The Framework Agreement can be said to have served its primary goal of addressing core Albanian grievances while preserving Macedonia's territorial integrity and the unitary character of its state.

That said, the Badinter principle is not without flaw. In recent years, there

has been an ongoing political struggle to broaden the scope of its application. Albanians have pushed for ever more legislative areas to be covered by double majority voting, including as they relate to the election of the National Bank governor, adoption of the national budget and the internal decision-making procedures of the Constitutional Court, a debate that Macedonians have generally been unwilling to partake in. More fundamentally, given their respective numbers and level of parliamentary representation, the Badinter majority, again, gives undue sway to Albanians at the expense of other minorities. While the provision on double majority voting applies to all ethnic minorities, achieving a majority among the representatives of non-Macedonians is totally dependent on the votes of Albanian deputies, considering the paucity of seats held by smaller communities- a situation that effectively sidelines the political voice of non-Macedonians and non-Albanians, and further embeds bi-nationalism. In the final analysis, neither the Macedonian nor the Albanian community consider smaller ethnic groups, collectively some 10% of the country's total population- a not-insignificant amount- to be important enough to participate in policy debates that are crucial to the future of Macedonia and its citizens.

Conclusion: An Assessment of the OFA's Prospects

Empirical studies suggest that 40% of all civil wars reappear in some form within a decade.⁵⁵ Macedonia, in theory, has passed the most dangerous phase. The biggest threat to its unitary state, the 2001 conflict, appears resolved politically and legally. In reality, it is not. Scepticism *vis-à-vis* the intentions of the 'Other' persists. Ethnic fissures remain, particularly at the grassroots level. Macedonia will be unified in diversity only when the majority community accepts genuine power-sharing with its Albanian co-habitants, the latter pledge their unequivocal allegiance to the country and respect the common symbols of state, and an opening is created for smaller ethnic communities to play a genuine role in shaping the country's future direction. It is incumbent on politicians and the general public to adhere fully to the OFA and, together as co-citizens, work towards a common Euro-Atlantic future. At this point, a caveat is in order: the job of establishing and solidifying a stable, multi-ethnic democracy will not end with the Framework Agreement's implementation. Long-term peace will be determined less by the normative solutions prescribed by the OFA than by political maturity on the part of

local elites, of all ethnic hues, allied to a culture of tolerance among the broader population. In this context, politicians must remain steadfast in articulating the agreement's benefits and reiterating to the Macedonian people the value of non-violence, even though the OFA is a product of it.

Macedonians believe that gradual improvements would have happened without armed violence, whereas Albanians portray the insurgency as the last resort of what had become a futile endeavour.

For all its flaws, the Framework Agreement can be said to have served its primary goal of addressing core Albanian grievances while preserving Macedonia's territorial integrity and the unitary character of its state. As an antidote to Macedonia's skewed internal balance of power, it has made important headway in the 12 years since it was signed. The agreement's implementation has oftentimes been slow, and remains incomplete. The document is not perfect; indeed, it was never designed to fix all of the weaknesses of what is a complex society. It cannot be denied that, designed as it is, the OFA empowers

Albanians disproportionately over other minorities. Yet, as a hedge against future inter-ethnic physical confrontation, it has proved successful- and durable. With the political and legal status of Albanians secured, the likelihood of Macedonia backsliding into violence along the lines of 2001 is remote. As a reflection of its stabilising function, the OFA today enjoys majority support among the population as a whole. Though a majority has never been achieved among ethnic Macedonians *per se*, tangible gains have nevertheless been made, with public support for the Framework Agreement showing a steady increase within the ranks of the majority community over the preceding 12 years. Macedonians have come to recognise the OFA's benefits with time, and, in general terms, do not believe it has ceded too much power to the Albanians, just as the latter believe they have won more concessions than the agreement stipulated. This diverging- albeit positive- cross-ethnic perception has been an important factor in maintaining post-conflict stability.

Without the carrot of integration, and the conditionality it carries, the likelihood of political elites observing the OFA as a basis for sound inter-ethnic relations will recede.

Nevertheless, doubts persist among ethnic Macedonians over the future intentions of their Albanian co-habitants. While the majority community considers it a 'final answer' to Albanian demands, the perception that in Albanian eyes the OFA is merely a transitional platform for the future architecture of the country, meaning federalisation or outright secession in the unlikely event the regional context allowed for a redrawing of national borders, still holds sway among average Macedonians, even though for the most part these options have been explicitly ruled out by Albanian politicians, who remain committed to the OFA and a unitary Macedonia. The key point to be made is that, looking forward, modifications to the text or the negotiation of a new grand bargain cannot be reached through violence, but only via dialogue and mutual consent. That said, the constitutional and legislative reforms catalysed by the OFA are unlikely to have been achieved in a timely manner through the process of negotiation between Macedonians and Albanians, using parliamentary procedures. While several attempts were made in the 1990s by Albanian parties in the coalition government to initiate structural change, the wont of their Macedonian partners was to offer rhetoric, not laws. At this point two conflicting perspectives

continue to overlap: Macedonians believe that gradual improvements would have happened without armed violence, whereas Albanians portray the insurgency as the last resort of what had become a futile endeavour. Either way, violence for political ends is no longer an option, which Albanians, generally speaking, have now grasped.

The time when experts believed that Macedonia's future was dependent on external forces⁵⁶ has largely passed. The turn of historical events over the course of the last decade has rendered once powerful regional dynamics less influential. North Kosovo notwithstanding, the immediate neighbourhood is not generating instability, regional processes of reconciliation and Euro-Atlantic integration are proceeding in parallel- however fitfully at times- and global powers are preoccupied with different agendas elsewhere. Rather, it is the internal contradictions inherent in Macedonian society that pose the greatest threat to its future. Fragile internal cohesion, coupled with high rates of poverty and unemployment, will continue to be a drag on Macedonia's development. Increasingly negative political trends, linked in part to sluggish progress on the EU front,⁵⁷ are a major cause for concern. While it has grown in confidence, Macedonia remains weak and insecure. In this sense, the

diplomatic retreat of the United States from the Balkans and the seeming decline of Europe are negative developments, which cast doubt on Macedonia's ability to address the strategic challenges that confront it, namely, resolving the longstanding name dispute with Greece⁵⁸ and achieving Euro-Atlantic integration. Clearly, without resolution of the name dispute, there will be no Euro-Atlantic future; without the carrot of integration, and the conditionality it carries, the likelihood of political elites observing the OFA as a basis for sound inter-ethnic relations will recede; and without integration into a wider, value-based community, the prospect of a genuinely democratic, European-standard polity taking root in the country will dissipate. Taken together, these factors threaten to relegate Macedonia to the group of regional laggards, alongside Bosnia-Herzegovina and Kosovo – the latest informal sub-group of Western Balkan states, which have long struggled for internal and external legitimacy in the face of formidable structural weaknesses. Citizens of these countries should worry that, at this moment in time, there appears to be neither an international strategy, nor independent national visions, in sight to secure their place in Europe and the world.

Endnotes

- 1 Greece objects to Macedonia's use of cultural symbols and references it considers Greek, including the name 'Macedonia', the use of which, it argues, implies territorial pretensions over its northern province of the same name. Resolution of this dispute remains ongoing. For the purpose of brevity, the country will be referred to as 'Macedonia' throughout this paper, as opposed to the more cumbersome 'the Former Yugoslav Republic of Macedonia', as it is known in international fora, pending agreement on a name that satisfies both sides.
- 2 According to Macedonia's last national census, staged in 2002, of a population of just over 2 million, ethnic Macedonians account for 65% of the population; Albanians 25%; Turks 3.9%; Roma 2.7%; and Serbs 1.8%; see, International Crisis Group, "Macedonia: Ten Years After the Conflict", *Europe Report No. 212*, (August 2011), p.1, n.3, at <http://www.crisisgroup.org/-/media/Files/europe/balkans/macedonia/212%20Macedonia%20---%20Ten%20Years%20after%20the%20Conflict.pdf> [last visited 29 March 2013].
- 3 Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe*, New York, Cambridge University Press, 1996, pp. 4-5.
- 4 The full text of the Framework Agreement is available at the Secretariat for Implementation of the Ohrid Framework Agreement, Republic of Macedonia, "Ohrid Framework Agreement", at http://siofa.gov.mk/mk/dokumente/Ramkoven_dogovor.pdf [last visited 27 July 2012].
- 5 Sasho Ripiloski, *Conflict in Macedonia: Exploring a Paradox in the Former Yugoslavia*, Boulder, First Forum Press, 2011, p.116.
- 6 The Social Democratic Union of Macedonia (SDSM) and the Internal Macedonian Revolutionary Party – Democratic Party for Macedonian National Unity (VMRO-DPMNE) on the Macedonian side, and the Democratic Party of Albanians (DPA) and the Party for Democratic Prosperity (PDP) on the Albanian side.
- 7 According to Gallup's 2008 Balkan Monitor, only 30% of ethnic Macedonians view the OFA as a long-term solution to the country's ethnic problems; see, Gallup Balkan Monitor, "Insights and Perceptions: Voices of the Balkans- 2008 Analytical Report", p.10, at http://www.balkan-monitor.eu/files/BalkanMonitor-2008_Analytical_Report.pdf [last visited 24 September 2012].
- 8 The term "anti-Ohrid faction" is widely recognised as referring to Macedonia's prime minister, interior minister and parliamentary president during the 2001 conflict; see, International Crisis Group, "Macedonia's Name: Why the Dispute Matters and How to Resolve It", *Europe Report No. 122*, (December 2001), p. 3, at <http://www.crisisgroup.org/-/media/Files/europe/Macedonia%2014.pdf> [last visited 3 August 12].
- 9 According to the State Statistical Office, Macedonia's current rate of unemployment stands at 31.6%; see, State Statistical Office, Republic of Macedonia, "Labour Market", at http://www.stat.gov.mk/OblastOpsto_en.aspx?id=14 [last visited 15 October 2012].
- 10 Florian Bieber, "Power-Sharing and the Implementation of the Ohrid Framework Agreement", Skopje, Friedrich-Ebert-Stiftung Macedonia Office, 2008, pp. 7-8.
- 11 Ripiloski, *Conflict in Macedonia*, p. 100.

- 12 Swedish International Development Cooperation Agency, “Macedonia: A Conflict Analysis”, p. 8, at http://www.sida.se/shared/jsp/download.jsp?f=SIDA3044en_MacConfAnaWEB.pdf&a=2899 [last visited 4 November 2011].
- 13 A total of 15 amendments were made to the constitution.
- 14 For instance, in March 2002, an international donors’ conference was staged in Brussels, where donors pledged US \$515 million to Macedonia to assist with post-conflict reconstruction and economic development; see John Phillips, *Macedonia: Warlords and Rebels in the Balkans*, New Haven, Yale University Press, 2004, p. 186. Likewise, in November 2004, days before a national referendum on the validity of the Law on Local Self-Government, the United States recognised Macedonia under its constitutional name- a move that was widely acknowledged as being designed to encourage ethnic Macedonians from participating in a vote which, if passed, threatened to reverse post-conflict gains. In the event, voter turnout was well below the 50% threshold for the result to have taken legal force.
- 15 See “Нов рамковен договор за сопствен рејтинг” (New Framework Agreement For Their Own Rating), *Time* (Skopje), 12 May 2009.
- 16 Gallup Balkan Monitor, “Insights and Perceptions: Voices of the Balkans – 2008 Analytical Report”, p. 10.
- 17 Ohrid Framework Agreement, Section 1.2, Basic Principles.
- 18 Merle Vetterlein, “The Influence of the Ohrid Framework Agreement on the Educational Policy of the Republic of Macedonia”, paper presented at the 8th Annual Kokkalis Graduate Student Workshop-Kokkalis Program on Southeastern and East-Central Europe, Harvard Kennedy School, Harvard University, Cambridge, Massachusetts, 2-3 February 2006, p. 7.
- 19 Sally Broughton, Laura Davis and Andrew Loomis, “Politics and Identity in Macedonia: Intrinsic versus Extrinsic Understandings”, paper presented at the conference Macedonia–Macedonias: Changing Contexts in the Changing Balkans, Centre for South-East European Studies- School of Slavonic and East European Studies, University College London, London, 14-16 June 2001, p. 9; cited in Ulf Brunnbauer, “The Implementation of the Ohrid Agreement: Ethnic Macedonian Resentments”, *Journal on Ethnopolitics and Minority Issues in Europe*, No. 1 (2002), p. 6.
- 20 Ohrid Framework Agreement, Section 3.1, Development of Decentralized Government.
- 21 Ripiloski, *Conflict in Macedonia*, p. 119.
- 22 Awa Dabo, Patrick Keuleer, Jago Salmon and Moises Venancio, “Local Governance, Peace Building and State Building in Post-Conflict Settings: A UNDP Discussion Paper”, p. 13, at <http://www.uncdf.org/gffd/docs/post-conflict.pdf> [last visited 16 September 2012].
- 23 See the Law on Local Self-Government of the Republic of Macedonia, Article 12 (“Criteria for Formation”) and Article 13 (“Delineation of Territory”) at the Urban Institute, *Law on Local Self-Government of the Republic of Macedonia*, p. 4, at http://www.urban.org/PDF/mcd_locgov.pdf [last visited 11 November 2011].
- 24 Veli Kreci and Bekim Ymeri, “The Impact of Territorial Re-Organisational Policy Interventions in the Republic of Macedonia”, *Local Government Studies*, Vol. 36, No. 2 (2010), p. 279, Table 2; cited in Tom Vangelovski, “The Framework Agreement in Macedonia: Successful

- Intervention or Prelude to Conflict?”, in Kirill Nourzhanov (ed.), *Two Decades without the Soviet Union: Transformations in Eurasian Space. Proceedings of the 10th Biennial Conference of AACaPS, 3-4 February, 2011*, Australasian Association for Communist and Post-Communist Studies and the Australian National University, Canberra, 2011, p. 4.
- 25 International Crisis Group, *Macedonia: Ten Years After the Conflict*, p. 19.
- 26 Ibid, pp.18-19.
- 27 Dabo et al., “Local Governance, Peace Building and State Building in Post-Conflict Settings: A UNDP Discussion Paper”, p. 13, at <http://uncdf.org/gfd/docs/post-conflict.pdf> [last visited 16 June 2013].
- 28 While both major ethnic Macedonian parties have been guilty, this phenomenon has become particularly pronounced since 2006, under the watch of the VMRO-DPMNE.
- 29 ‘Половина буџет за плати и социјала’ (A Half of the Budget for Salaries and Social Affairs), *Dnevnik* (Skopje), 25 October 2010, at <http://dnevnik.com.mk/?itemID=9A2E3281E1E54944BEAE4DE6FB1703D7&arc=1> [last visited 8 September 2011].
- 30 Based on what was agreed on at Ohrid, Albanians should make up 25% of the public administration, in line with their share of Macedonia’s population. The simultaneous recruitment of Macedonians, however, means this target has yet to be reached. The precise number of people employed in the public administration is a closely guarded secret. In the absence of official figures, based on verbal statements by government ministers, it is thought to number upwards of 120,000, of which 17% are believed to be Albanian- well below the 25% mandated by the OFA. As such, of the Framework Agreement’s core provisions, it is proportional representation in the public administration that, today, remains the furthest from being accomplished; see, “Се вработуваат Албанци, но и многу Македонци” (Albanians are getting hired, but so are many Macedonians), at <http://www.vreme.com.mk/DesktopDefault.aspx?tabindex=10&tabid=1&EditionID=1913&ArticleID=130890> [last visited 8 September 2011].
- 31 Ohrid Framework Agreement, Section 4.2, Non-Discrimination and Equitable Representation.
- 32 Macedonia’s public administration is highly politicised. Indeed, gaining employment in the public administration depends largely on whether one is affiliated to the political parties in power- a practice that Macedonian and Albanian parties alike are guilty of; see, International Crisis Group details in, “Macedonia: Ten Years After the Conflict”, pp. 10-11.
- 33 For example, on state holidays such as the Republic Day (November 29) and the Macedonian National Uprising Day (October 11).
- 34 The Law on the Use of Flags of Ethnic Communities stipulates that the Macedonian flag must be one-third larger than the national flag of the non-Macedonian community.
- 35 The use of Albanian in parliament has come to be accepted, despite initial opposition from ethnic Macedonians, as evidenced by the refusal of some members to use translation headsets in the opening session of the first post-conflict parliament.
- 36 Ripiloski, *Conflict in Macedonia*, p. 117.
- 37 Ohrid Framework Agreement, Section 6.5, Education and Use of Languages.

- 38 Vetterlein, “The Influence of the Ohrid Framework Agreement”, p. 8.
- 39 Ohrid Framework Agreement, Section 6.2, Education and Use of Languages.
- 40 Indictments were specifically issued for Ljube Boškoski, Macedonia’s then interior minister, and Johan Tarčulovski, an ethnic Macedonian police officer. Boškoski was acquitted in 2008 of war crimes, while Tarčulovski was given a 12-year prison sentence.
- 41 For specific information on these cases (“NLA Leadership”; “Mavrovo Road Workers”; “Lipkovo Water Reserve”; and “Neprosteni”), see International Criminal Tribunal for the former Yugoslavia, “Press Release: The Former Yugoslav Republic of Macedonia Requested to Defer Five Cases to the Competence of the International Tribunal”, at <http://www.icty.org/sid/8069> [last visited 10 August 2012].
- 42 Sinisa Jakov Marusic, “Macedonia Abandons Hague Cases”, *Balkan Insight*, at <http://www.balkaninsight.com/en/article/macedonia-passes-amnesty-for-hague-cases> [last visited 25 September 2012].
- 43 In July 2011, parliament adopted the so-called “authentic interpretation” of the Amnesty Law, which obliged the Office of the Public Prosecutor and all courts on the territory of the country to halt procedures connected to the four cases.
- 44 Amnesty International, “Macedonia: Time to Deliver Justice to the Victims of War Crimes”, at <http://www.amnesty.org/en/for-media/press-releases/macedonia-time-deliver-justice-victims-war-crimes-2011-09-01> [last visited 30 October 2011].
- 45 The Turkish community in Centar Župa, Mavrovo and Rostuša, and Plasnica; the Serb community in Čučer-Sandevo; and the Roma community in Šuto Orizari; see, 2002 national census, Table 3: Total Population of the Republic of Macedonia According to Ethnic Affiliation, pp. 34-35: State Statistical Office, Republic of Macedonia, ‘Census of Population, Households and Dwellings in the Republic of Macedonia, 2002, Final Data’, 2005, at http://www.stat.gov.mk/pdf/kniga_13.pdf [last visited 24 November 2011].
- 46 Section 4.2 of the Framework Agreement, on Non-Discrimination and Equitable Representation, calls for “the authorities...[to] take action to correct present imbalances in the composition of the public administration, in particular through the recruitment of members of under-represented communities”.
- 47 International Crisis Group, “Macedonia: Ten Years After the Conflict”, p. 15, n.151.
- 48 Ohrid Framework Agreement, Section 6.6, Education and Use of Languages.
- 49 The Turkish language has been granted official status in Gostivar, the Vlach language in Kruševo, and the Serbian and Romani languages in Kumanovo despite these communities not meeting the 20% threshold in the municipalities in question; see, International Crisis Group, “Macedonia: Ten Years After the Conflict”, p. 16.
- 50 Florian Bieber, “Partial Implementation, Partial Success: The Case of Macedonia”, in Ian O’Flynn and David Russell (eds.), *Power Sharing: New Challenges for Divided Societies*, London, Pluto, 2005, p. 113.
- 51 Vangelovski, “The Framework Agreement in Macedonia”, p. 10.
- 52 The constitutional mechanism that specifies double majority voting is named after the French

jurist Robert Badinter, who recommended the provision.

- 53 Ripiloski, *Conflict in Macedonia*, p. 117.
- 54 Organization for Security and Cooperation in Europe, “Law Drafting and Regulatory Management in the former Yugoslav Republic of Macedonia: An Assessment”, p. 13, n.8, at <http://www.osce.org/odihr/34685> [last visited 23 September 2012].
- 55 Paul Collier, Anke Hoeffler and Måns Söderbom, *Post-Conflict Risks*, CSAE WPS/2006-12, University of Oxford, 2006, p. 9.
- 56 See, for instance, Cindy Jebb and Peter Liotta, “Macedonia: End of the Beginning or Beginning of the End?”, *Parameters*, Vol. 32, No. 1 (Spring 2002), pp. 96-111.
- 57 Macedonia’s bid for EU membership is effectively frozen, linked to the failure to resolve the name dispute with Greece, with the country still awaiting a start date for negotiations some seven years after it was granted candidate status. The EU’s standing- within government and the general public- has waned as the integration process has stalled. Simply put, membership of the organisation no longer carries the gravitational pull in Macedonia that it once did, certainly within the majority community. With its appeal and influence noticeably diminished, Macedonia has changed its behaviour towards the union, which, today, is more engaged in delivering soft criticism to political leaders in regular meetings held behind closed doors, as opposed to bringing genuine and concerted pressure to bear on the government to leverage it into necessary reform. This is an important factor in explaining the recent atrophy of Macedonia’s internal politics, most noticeably restrictions on media freedom.
- 58 The name dispute has proved intractable, producing one of the more peculiar bilateral disagreements of modern times. Greece placed trade sanctions on its landlocked northern neighbour in the early to mid-1990s, and obstructed its accession to regional and international bodies. Macedonia did not become a UN member until April 1993, and only then under the provisional name of “the Former Yugoslav Republic of Macedonia”. Talks between the two sides remain ongoing- albeit irregularly- under the auspices of the UN.