



***CSSProject for Integrative Mediation***

***Macedonia Situation Report***

***February 2008***



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### **Integrative Mediation Bringing Local Leaders Together**

CSSProject for Integrative Mediation (CSSP e.V.) is a registered non-profit association based in Berlin, Germany. It was founded on 16 June 2006 in Berlin and has ten founding members. Its purpose is to improve inter-ethnic communication and cooperation, and the implementation of peace initiatives to resolve local conflicts through Integrative Mediation. It also promotes efforts to support the development of democratic processes as a tool to overcome conflicts. The organization is fully funded on a yearly basis by the German Foreign Ministry and the Bundestag through the Stability Pact for South Eastern Europe and has its offices in Berlin. In 2006 and 2007 part of its activities were also sponsored by the Austrian Development Agency (ADA).

The origin of CSSP e.V. lies in the implementation of the lessons learned from ten years of work of the International Mediator in Bosnia and Herzegovina (1995 – 2004), Dr. Christian Schwarz-Schilling. As International Mediator, he placed a particular emphasis on increasing dialogue. Through review, critique and the evolution of his extensive experience as a mediator, the methodology of Integrative Mediation was developed. It brings together several elements of conflict resolution at the local level in a comprehensive approach. Integrative Mediation is the core of CSSP e.V.

CSSP e.V. seeks to empower local individuals through tailored mediation processes. This includes providing local individuals with professional training in mediation, negotiation and problem solving techniques and skills, as well as offering expertise and assistance in resolving their conflicts. At the same time CSSP e.V. tries to strengthen professional mediation in its target areas to increase capacity and provide credible alternatives to conflict. The CSSP team firmly believes in and strives for building peace from the bottom up and strengthening a community's capacity to overcome its internal disagreements and to create a fertile ground for democratic (political, economic, and social) development.

The comprehensive approach to mediation includes various levels of responsibility, multiple actors, and a variety of techniques, drawing on classical mediation and developing holistic and decentralized processes. It combines five different core elements: Mediation, Consultation, Professional Training, Advocacy, and Research & Analysis. The elements are combined in various forms and situations to develop a holistic and individual process.

CSSP e.V. assists local actors to develop initiatives and to implement confidence-building measures which apply to their specific needs and circumstances. Overall, Integrative Mediation endeavors to bring the general and hierarchical process of conflict resolution down to the local level by focusing on joint meetings, dialogue, confidence-building and experience sharing.

CSSP e.V. does not seek to replace or remove ownership of the peace process. Instead, Integrative Mediation complements the work of those already in the field. The main aim is to leave decisions and solutions in the hands of local actors.



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## **Introduction**

The Republic of Macedonia is a country struggling to overcome interethnic conflict, to advance towards the European Union and to reform its domestic political, social and economic system in order to provide better living standards for its citizens. Despite good efforts in these three areas, the country seems to be caught in a cycle of political, economic and ethnic conflict oscillating between malaise and strife, which is endangering its possible membership in NATO and the EU. Moreover, given Macedonia's geographical location, it is well placed to be affected by the relationship between Kosovo and Serbia. Because of Kosovo's recent declaration of independence and the diverse effects this could have on the region (for example, a wave of Kosovo Serbs leaving Kosovo), Macedonia and its issues seem to have a lesser priority on the international political agenda. However, if Macedonia's precarious state of interethnic relations is left to linger it will create disillusion in the peace process as it may once again become a focus of interethnic conflict.

Specifically important to the resolution of the ethnic conflicts is the west of the country, in which the majority of ethnic Albanians live. As a result of the Ohrid peace process, a geographical 'arc' of ethnic Albanian majority municipalities from Kumanovo to Struga was created. For the first time since Macedonia's independence, ethnic Albanians have been able to exercise power at the municipal level, e.g. as presidents of assemblies, mayors, and directors of public institutions and companies. However, as ethnic power balances shift and ethnic Albanians demand more legal recognition, conflicts with ethnic dimensions have begun to surface, increasingly causing pain in the young state. The challenges faced by local leaders, political parties and ethnic communities can be seen in places like the municipality of Struga, where CSSP has an ongoing project.

The European Union and the NATO warned Macedonia that it needed to make serious progress in a number of areas, including political dialogue, administration and its handling of ethnic conflict, if it was to receive an invitation to join the military alliance and membership status with the EU. The failure to meet these demands would be a major setback for the state and could make Macedonia vulnerable and create uncertainty. This report aims to highlight some of the challenges facing Macedonia and their importance in the regional context.

## Situation in early 2008

Despite the general belief that the problems in Macedonia are less grave than those facing Kosovo, Serbia and Bosnia and Herzegovina, Macedonia's geographic location makes it vulnerable to political events in the region. Until now it has been able to escape the ethnic cleansing that engulfed the Balkans, avoided splitting in two, and has mostly remained on relatively good terms with both Kosovo and Serbia. Moreover, it has a reputation as a textbook example of how the European Union can use its soft economic power, coupled with NATO security, to achieve a peace agreement.<sup>1</sup> The 2001 Ohrid Agreement ushered in an era of reform. The leaders of the ethnic Macedonian and ethnic Albanian communities agreed to decentralize power, recognize language and culture, and to rectify discriminatory practices in state institutions.<sup>2</sup>

The last few years were characterized by a focus on implementing the Ohrid Agreement and integration in Euro-Atlantic structures, i.e. EU and NATO. As part of the Ohrid peace process, political leaders have worked predominantly on redistricting municipal boundaries, decentralizing power, legal reforms, and economic development. Despite a consensus across political parties and ethnic lines on joining the EU and NATO, membership in both is now threatened by a lack of political goodwill to solve the most pressing inter-ethnic issues. Moreover, ethnic conflicts continue to be present and are exploited for political gains. These conflicts arise out of party politics at state level and political self-interest, coupled with a legal requirement for a double majority on issue related to culture ('Badinter principle').<sup>3</sup> By default, government coalitions need to be composed of more than one ethnic community if they wish to adopt legislation that meets the Badinter criteria. By creating a mechanism that requires the approval of ethnic communities, the writers of the peace agreement *de facto* gave a veto right to ethnic minority parties which can also be used as a political instrument to bring down governments and political opponents, thereby blurring the lines between ethnic concerns and politics.

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<sup>1</sup> Cf. for example the monitoring and assisting role ascribed to European bodies in Annex C of the Ohrid Framework Agreement.

<sup>2</sup> In this process the highly controversial University of Tetovo was recognized and allowed to offer courses in Albanian language.

<sup>3</sup> The 'Badinter principle' requires a double majority of votes on issues concerning, among other things, cultural matters such as language, education, and the use of symbols. As stipulated in the Ohrid Framework Agreement article 5, paragraph 2, decisions on these matters require "a majority of votes, within which there must be a majority of the votes of Representatives claiming to belong to the communities not in the majority in the population of Macedonia."

In the initial period after the Ohrid Agreement was signed, much work was done and some progress was achieved. Most Western observers worried little about Macedonia and its European aspirations. However, in the last two years the situation has ground to a halt in terms of interethnic relations. Conflicts began to escalate again with the elections in March 2005, which were won by the ethnic Macedonian VRMO-DPMNE party. At that time DUI, the ethnic Albanian political party that grew out of the now disbanded NLA/UCK, won the majority of the seats reserved for ethnic Albanians in the state parliament and also won power in all but one ethnic Albanian majority municipality. In their view they were the rightful representatives of the ethnic Albanian community and should have entered into coalition with the winner among the ethnic Macedonian parties. However, VRMO-DPMNE chose to govern with the ethnic Albanian DPA, DUI's opponent. Thus, DUI feels cheated out of government and acts unconstructively; even when they agree politically, DUI chooses to obstruct. In this standoff situation DUI has been opposing the government's policies at the local level while in turn government ministries (and thus the VRMO-DPMNE/DPA) have exercised strict oversight of DUI led municipalities through ministerial policies.

In the last two years, very little has been achieved politically regarding inter-ethnic issues. Until very recently, the Interethnic Commission at the state level that is foreseen in the Ohrid Agreement was not working.<sup>4</sup> The issue of the use of language, which was a central demand of the ethnic Albanian community, was resolved through legislation but its implementation has been obstructed at the municipal level. A law clarifying outstanding issues is buried in parliamentary committee and thus the problem cannot be dealt with effectively. Furthermore, a law on the use of cultural symbols, such as flags, which was another central demand of the ethnic Albanian community, was in part rejected by the Constitutional Court.<sup>5</sup> As a result, ethnic Albanians are still using their flag while ethnic Macedonians and the international community turn a blind eye while working behind the scenes to find a solution. At the very least this situation is undermining the credibility of the Court and highlights the inability of political parties to overcome their ethnic conflict.

In the security sector several clashes between the police and armed illegal groups have caused concern. Specifically worrying was a clash in November 2007 in which an entire mountain village (Brodec) near the Kosovo border was held hostage by armed men and used a missile launcher to shoot down a government helicopters. The incident resulted in eight people dead, several wounded and increased mistrust

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<sup>4</sup> The Law on the Commission for Inter-Ethnic Relations was passed on 12 December 2007 and with its implementation the Commission resumed its work.

<sup>5</sup> The Court rejected articles concerning the municipal use of flags.

between the predominantly ethnic Macedonian police and the ethnic Albanian inhabitants of the village. It is not the first time that the military or police has clashed with armed men in remote areas, causing serious consternation in the general public. More importantly, the incident raised questions concerning KFOR's role, Macedonia's ability to protect all its citizens, and weapons smuggling across the border to Kosovo in the ethnic Albanian community.

The declaration of independence of Kosovo can be a very important issue for Macedonia, as it raises border concerns and may have negative consequences on the small state. On the one hand, there is acceptance of the fact of Kosovo's independence. Important for Macedonia will be the difficulties in recognizing Kosovo, developing a visa regime, avoiding sanctions from Serbia, and dealing with potential humanitarian crises. Given that Serbia has threatened to use all available means short of military force to prevent Kosovo from seceding, Macedonia is right to worry about sanctions if it recognizes Kosovo. If violence breaks out, Macedonia will also need to worry about spillover effects, and in any event there is a concern that ethnic Albanians in Macedonia will try and help Kosovo Albanians if there is serious trouble. As Kosovo moves closer towards recognition it is important that international institutions and regional actors make clear what is expected, what is possible and how much help Macedonia would receive to carry the burden of a spillover in the event of a crisis in Kosovo. In particular the EU Commission should reconsider its strategy for Macedonia and whether its current support is sufficient to meet the coming challenges.<sup>6</sup>

## **Decentralization**

Decentralization has been one of the main features of reform in Macedonia after the Ohrid Agreement. In the first phase, which began in summer 2005, the government adopted 95 laws related to local self-government. Municipalities received much of the responsibilities for implementation and little of the financing possibilities. The government controlled spending and municipalities had to walk the line if they were to enter the second phase which handed over control over finances to the municipal governments. The second phase began in summer 2007; however, some municipalities are to only reach this phase in January 2008. For the most part decentralization has been a major success.

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<sup>6</sup> Macedonians are very aware that Serbia gained visa relaxation and other incentives for progress.

The main problem with decentralization is that political parties still have not 'decentralized themselves'. In Macedonia, all local leaders depend on their parties at state level for political direction. No decision is made without consulting the national level, which makes local negotiations almost impossible. Moreover, all local leaders make decisions with an eye on a possible position in the next parliamentary cycle. This is especially true for the ethnic Macedonian parties and their local branches in western Macedonia. In municipalities where ethnic Albanians make up the majority (e.g. in Struga, Gostivar, Tetovo etc.), ethnic Albanian political parties wish to change many policies they consider discriminatory. Moreover, they wish to develop visual symbols that allow the community to feel their culture represented. In the area of economic cooperation there are conflicts about proportional representation in state owned companies and discrimination regarding the investment in and development of infrastructure.

All of these issues have an ethnic component. Given that ethnic Macedonians are now in the minority in some municipalities, their main strategy has been boycott, procedural obstruction or *quid pro quo*. This can be seen with regard to recognition of languages, the change of street names to reflect local ethnic communities, and choosing municipal symbols. In municipalities where DUI is in government, the issue of language has been forced onto the local political agenda; statues of ethnic Albanian heroes are being made; and government proposals for police chiefs are ignored. Ethnic Macedonian parties in turn react to these moves by boycott and obstructing any problem-solving process. Given that the parliamentary Inter-ethnic Commission has not been active for several months and has only just resumed its work, there is little guidance on the solution of inter-ethnic questions through municipal Inter-Ethnic Commissions,<sup>7</sup> and political leaders depend on instructions from their parties. All sides await a political deal at the state level before making any decisions at the local level, unless the majority party is able to offer something to the minority communities, as was the case in Gostivar.<sup>8</sup>

While at the state level all verbal messages imply that there needs to be a resolution at the local level, all parties work behind the scenes to control the local level and to employ it for political gains at national level. This dichotomy of on the one hand

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<sup>7</sup> Municipal Inter-Ethnic Commissions are an obligatory body in municipalities whose population consists of more than 20% of a non-majority ethnic group. For more information on these bodies cf.: CSSP, FORUM: "Commissions for Inter-Ethnic Relations in the Municipalities of Macedonia (FYROM) – Research Report". February 2008.

<sup>8</sup> Immediately after taking office the mayor of Gostivar met with minority leaders and systematically met their demands before pursuing his political agenda. His efforts won him goodwill and approval by the ethnic minority political parties. He has the most approval among the mayors of Macedonia.

decentralizing government and on the other hand adhering to centralized party politics creates major obstacles for negotiations, mediation and development at the local level. Political parties at the state level still have not understood that local conflicts need to have local solutions and that in a democratic society the state needs to play a mediating role. Instead, local politics are intrinsically tied to state politics. While this could be seen as a characteristic of a developing democracy, in Macedonia the issue has ethnic dimensions that are dangerous and keep the communities locked in a conflict spiral. In the following, this will be demonstrated with the case of Struga.

## **Struga**

The municipality of Struga is representative for the problems associated with the Ohrid peace process. As a result of the territorial reorganization the municipality was fused with five other municipalities and over night power changed hands from ethnic Macedonians to ethnic Albanians. Ethnic Macedonian political parties in the municipality boycotted the elections in 2004 and tried to organize a referendum to undo the fusion; however, the referendum failed. The ethnic Macedonian parties did not participate in the formation of the municipal government and hence missed the opportunity to gain key posts in municipal and public structures and institutions.

Since then the municipality has been governed by DUI with the support of small ethnic Albanian parties. However, given the restrictions of the Badinter principle, ethnic Macedonian parties have blocked many of the efforts of the ethnic Albanian community to change the ethnic image of the municipality, specifically in the area of language, street names, monuments, and municipal symbols. At the heart of the problem is the difficulty of both sides to understand that the development of the municipality and conflict resolution are a joint process and that both sides have to contribute ideas to overcome the impasse. The ethnic Albanians have a clear vision of what they feel has been denied to them and what they want. However, the ethnic Macedonians lack this vision. As a result a win-lose situation persists in which the citizens lose the most, especially as they would prefer to focus more on jobs and improving social standards instead of ethnic rhetoric.

The municipal statute has not been adopted despite the legal requirement by the Law on Local Self-Government. At the centre of the conflict is the ethnic Albanian demand to make the Albanian language an official language of the municipality alongside Macedonian. The ethnic Albanian parties voted overwhelmingly in favor of adopting the statute while the ethnic Macedonians voted against it. The

Constitutional Court has already ruled that without the double majority, the statute is unconstitutional. Despite efforts by many third parties, the local leaders are entrenched in their positions. One side demands the explicit recognition of their language and the other side denies any explicit recognition while accepting that the language should be official in accordance with the regulations of the Law on Local Self-Government.<sup>9</sup> Behind the scenes “what if” scenarios serve to block any creative options development.

The state, instead of empowering cooperation and giving guidance, in fact has further complicated the situation with its political interference at the local level, specifically in the ethnic Macedonian community. Local party branches seek approval of the state party and no ethnic Macedonian party leader is willing to vote in favor of any compromise solution without the consent of the other three parties in the municipality for fear of being singled out as a traitor. As a result, in private local ethnic Macedonian leaders have nothing against specific proposals though in public, officially, they must oppose them. At the state level, political parties remain noncommittal and argue that a solution should be found at the state level. Given that street names, municipal symbols and the use of language in local institutions are local issues, the state’s intervention can only take the form of giving clear legal guidance, something the state institutions and political parties keep avoiding.

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<sup>9</sup> This law stipulates that any language spoken by at least 20% of the population in a municipality should be recognized as an official language of the municipality.

## **Conclusions and Recommendations**

It seems that while Macedonia was on its way to implementing the Ohrid Agreement, progress in terms of interethnic relations has ground to a halt in the last years, especially with regard to the issues mentioned in the Agreement. The international community has called on the political parties to put their differences aside for the sake of the country and to implement outstanding commitments. In fact, membership in NATO and the EU is now in danger.

1. It is essential that in the coming weeks the international community does more to demand that the political leaders of the country cooperate and focus on implementing laws passed in accordance with the Ohrid Agreement. The EU and NATO should ensure that all commitments that were made are kept and that progress is made. Moreover, it is essential that the EU and NATO use their mediatory roles to develop options for overcoming the impasse.
2. It is important that international institutions and regional actors make clear what is expected from Macedonia and how much help this state would receive to carry the burden of a spillover in the event of a crisis in Kosovo. In particular the EU Commission should reconsider its strategy for Macedonia and whether its current support is sufficient to meet the coming challenges.
3. In the political arena, it is essential that legal decentralization is accompanied by political decentralization. Specifically local parties need to be encouraged to find local solutions.
4. If ethnic Macedonians and ethnic Albanians are to cooperate in overcoming difficult inter-ethnic conflicts, incentives need to be created for solving these issues in local institutions. There need to be gains from interethnic cooperation. Here, international donors should work with the state to develop programs for developing cooperation at the local level on changing street names, adopting multiethnic municipal symbols, and resolving the use of language in local institutions.
5. The political parties in the Macedonia Parliament need to put their differences aside and sure that the Inter-Ethnic Commission in the parliament is working and giving appropriate guidance to municipalities as it was foreseen. While acknowledging the fact that the parliamentary Inter-Ethnic Commission has resumed its work, it is necessary to link its efforts to municipal Inter-Ethnic

Commissions in order to harmonize local and national efforts at inter-ethnic conflict resolution.

6. Inter-Ethnic Commissions are an intrinsic part of the peace process but have not been given a clear legal framework and appropriate financial resources to carry out their mandate. If the state is serious in having such conflict solution mechanism, it must also properly resource them and ensure they have the means to work. Their development should not be left to NGOs only.<sup>10</sup>

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<sup>10</sup> For further information cf. CSSP, FORUM: “Commissions for Inter-Ethnic Relations in the Municipalities of Macedonia (FYROM) – Research Report”. February 2008.