



Verein für
Integrative Mediation e.V.

Post-Election Assessment
Macedonia
09 – 13 June 2008



Stabilitätspakt für Südosteuropa
Gefördert durch Deutschland
Stability Pact for South Eastern Europe
Sponsored by Germany

Integrative Mediation:

Bringing Local Leaders Together

CSSP – Verein für Integrative Mediation e.V. (CSSP) 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, 2007 and 2008, parts of its activities are also sponsored by the Austrian Development Agency (ADA).

The origin of CSSP 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.

CSSP 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 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 assists local actors to develop initiatives and to implement confidence-building measures which apply to their specific needs and circumstances. Overall Integrative Mediation endeavours 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 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.

For further information contact:

CSSProject for Integrative Mediation, e.V.
Auguststr. 72
10117 Berlin
Germany

info@cssproject.org
www.cssproject.org
tel: +49 30 227 77414
fax: +49 30 227 76417

Table of Contents

Introduction	3
Decentralization Process	3
Ohrid Framework Agreement	5
Commissions on Inter-Community Relations	5
Improving Interethnic Relations in Youth	7
Recommendations	9

Introduction

The parliamentary elections that took place in the former Yugoslav Republic of Macedonia (hereafter 'Macedonia') on 1 June 2008 were marred by violence, including one fatality. The struggle for power between the two major ethnic Albanian parties, DUI and DPA, raises questions whether the democratic structures in Macedonia are stable enough to become a part of the European Union or NATO. The implementation of the Ohrid Framework Agreement is at a stalemate and NATO has already decided not to extend an invitation for membership to the country for now. Furthermore, the elections triggered doubts about the degree to which interethnic relations have improved since the signing of the Ohrid Framework Agreement in 2001. CSSP visited the two municipalities of Struga and Dolneni from 6 - 13 June 2008, to assess the effects of the elections on the local level as part of CSSP's project work at the municipal level in Macedonia.¹

During its visit, CSSP spoke to elected officials, ethnic community representatives, and civil society leaders. The main findings from these meetings are elaborated below in highlighting topics of importance across communities. Based on the post-election assessment this report argues that (1) the decentralization process foreseen by the Ohrid Framework Agreement is at a stalemate and the political parties at the state level still influence local politics; (2) a follow-up meeting to the Ohrid Framework Agreement has to take place to assess its progress and develop a concrete timeframe and options on how to continue; (3) the Commissions on Inter-Community Relations are important platforms for interethnic dialogue at the local level and must be integrated into the political structures and supported accordingly; and (4) efforts have to be made to improve interethnic cooperation among the youth.

Decentralization Process

The 1 June 2008 elections had a noticeable effect on the local level. Regardless of the decentralization process foreseen by Article 3 of the Ohrid Framework Agreement, state level politics continue to have significant influence on local politics. Partly due to delays in the implementation of the decentralisation process, municipal politicians remain dependent on guidance from their party at the state level even concerning municipal issues. Hence, municipal problems that should be resolved locally are deadlocked due to unclear positions at the state level. For example, the municipal council of Struga has been unable to adopt a municipal statute for the last three years because of a lack of agreement regarding the official language usage in

¹ Struga is one of the municipalities where the ethnic majority changed due to the modification of the municipal borders as foreseen in the decentralisation process of the Ohrid Framework Agreement. It now has an ethnic Albanian majority. The borders of Dolneni were also adjusted due to the decentralization process, but this did not cause a change in the ethnic majority.

the municipality. Although the Law on Local Self-Government clearly regulates this issue and local leaders are in agreement, the parties at the state level influence their representatives not to reach a decision because of a larger political strategy. This leaves municipal representatives without the authority to make decisions that affect their constituency directly.

The situation is exacerbated by the practice of patronage that is entrenched in the current Macedonian political system, which reinforces the development that those in power have access to state funds and employment that they can freely distribute among their supporters. It is reported that low paying positions, such as the cleaning personnel, is changed after elections. Consequently, those in the opposition have very limited access – if at all – to state and international funds. For example in Dolneni, where the mayor is Bosniak and from a party that is in the opposition at the state level, no financial investment from the state has been made in the municipality for the last three years, although the municipality was rewarded for being the most efficient in collecting taxes. Thus, according to the political leaders, the local population in Dolneni plans to mirror the state level coalitions at the local level during the spring 2009 elections in order to secure financial contributions from the state level. This situation further undermines the democratic process at the local level since leaders from political parties that are in the opposition at the state level often receive very little or no support from the Skopje

In Struga, where the mayor is from DUI which is also in the opposition at the state level, the municipal leadership have continuously encountered obstacles from the state level with regard to local development projects. For example, after the municipality invested in cleaning up the beaches around Lake Ohrid to prepare for the tourist season, the state level took back control over the beaches. Currently, the local population and the municipal officials are not allowed to clean up the beaches since they are under the state jurisdiction. The neglect by the state to properly maintain the beaches is having a direct effect on the local tourism industry, which is one of the main sources of income for the municipality.

The decentralization process foreseen in the Ohrid Framework Agreement was meant to give more autonomy to the local level. However, the de facto influence of the state level remains the main driver at the local level. Measures have to be taken to limit the level of patronage throughout the country and promote a system based on merit, thus increasing the legitimacy the elections. The international organisations like the OSCE and the EU can increase their efforts to promote decentralisation to be accompanied by a system of meritocracy which limits the influence of the state level on local issues.

Ohrid Framework Agreement

The implementation of the Ohrid Framework Agreement has reached a stalemate. In Struga, there seems to be hesitation from the ethnic Macedonian parties to support further implementation of the process since the changes foreseen in the Agreement have not yet improved their standard of living. Struga, prior to the modification of the municipality's boundaries, had an ethnic Macedonian majority. After the implementation of the decentralization process, the municipality was expanded to include the surrounding villages making the majority of the population ethnic Albanian. Since the boycott of the 2002 elections, ethnic Macedonians have been under-represented in the local institutions which, has led the ethnic Macedonians to feel unable to shape the political decision-making process. To regain their influence, some ethnic Macedonian parties are openly questioning the changes to the boundaries agreed at Ohrid.

Other changes foreseen by the Ohrid Framework Agreement, such as the official usage of language, the changing of street names to be more representative of all communities, the representation of all communities in the municipal symbols have not been implemented. In Struga, progress on these issues has come to a halt and discussions are so politicized that municipal leaders do not feel capable of coming to a constructive result.

For the implementation process of the Ohrid Framework Agreement to continue the concerns of the ethnic Macedonian parties have to be openly addressed and resolved. After seven years since the signing of the Agreement it would be useful to have a follow-up meeting chaired by the EU in its role as mediator of the Agreement. This follow-up would bring together the relevant stakeholders at the state level to assess the current state of the implementation process, identify obstacles and strategies on how to overcome them, including the establishment of a concrete timeframe for the outstanding implementation. In a time where Macedonia is applying for NATO and EU membership, the stability and steady progress of the Ohrid Framework Agreement has to be ensured.

Commissions on Inter-Community Relations

The Commissions on Inter-Community Relations (CICR) are mechanisms at the local level created by the Law on Local Self Governance to support the implementation of the Ohrid Framework Agreement. The CICRs are to give recommendations to the Municipal Council on all topics that have an ethnic aspect and therefore require a double majority, which includes the majority of the minority representatives (Badinter Rule). Additionally, the CICR can discuss all issues of concern of the different ethnic

communities in the municipality. CICRs are made up of an equal number of representatives from all ethnic communities in a municipality.²

Throughout Macedonia, the CICRs are often non-functioning, do not have the support of the local leadership, and are not integrated into the municipal political system. In Struga, CSSP has been working with the CICR to support them in their efforts to become functioning. Despite their now regular monthly meetings, the CICR struggles with having its recommendations considered by the local leadership, distributed to all representatives and civil society leaders, and publicized on the municipal website or to media outlets. Although they were initially compensated for their work, a recent change in the legislation has obscured ways for the municipality to compensate non-members of the municipal council for commission work. In Struga none of the members of the CICR are members of the municipal council; hence the municipality has been investigating alternate sources to compensate the CICR members.

While the intention of the change in the legislation has been to avoid double compensation of council members for commission work, it has underestimated the impact of non-elected members of commissions like the CICR. This will affect not only the CICR of Struga, but all municipalities where not all communities are represented in the municipal council. In these cases a discrepancy occurs for minority community representatives which, creates a burden for interethnic relations. This contradicts the original intention of the CICRs to provide an important platform for interethnic dialogue at the local level. In particular in municipalities where not all communities are represented through elected representatives in the official structures, the CICRs rely on community leaders without a council mandate to ensure the representation of all ethnic groups. It is therefore indispensable to find a permanent and sustainable solution which ensures appropriate compensation for all members of the CICR in order to ensure the contribution of the commission to the municipality.

Furthermore, CICRs require a clarification of their mandate to both the members of the CICR and the municipal political structures, including the municipal council, the mayor, and the administration. Only by embedding the CICRs through a holistic approach within the municipal structures can their contribution to interethnic cooperation be properly validated and maximised. This becomes apparent in Dolneni, where all ethnic groups are represented in the municipal council, leading to the perception that the CICR is not necessary. Hence, the CICR remains inactive and interprets its possible involvement in a topic as an indication of a crisis among the communities and a sign of non-functioning interethnic cooperation. In view of

² For a more detailed assessment of the CICRs, please consult the CSSP / Forum-CSR research report "Commissions for Inter-Ethnic Relations in Municipalities in Macedonia (FYROM)" available for download at www.cssproject.org

attracting economic investments for the under-developed municipality, it appears in the interest of all communities to avoid the impression of the existence of ethnic tensions.

The structures of the CICRs have been created to accompany all municipal work in order to institutionalise interethnic dialogue and to function in a preventive rather than reactive manner. They provide an important platform to raise issues of concern of every community and to resolve disputes constructively. If the CICRs are to fulfil their mandates, they have to be strengthened and supported by establishing for them a clear legal mandate including financial compensation and logistical support within the municipal structures.

Improving Interethnic Relations in Youth

Beyond being a crucial part of the future of society, youth can often function as an indicator for relations within a society. In Macedonia the strain on interethnic relations has also an effect on youth, which is both short-term and long-term. While schools have been an issue in many municipalities, it appears that the topic of integrated schools and ensuring proper education for all inhabitants of Macedonia, irrespective of their ethnic background, is not often addressed within the political mechanisms.

In Struga there are two mixed schools which share a campus and where smaller incidents between students have spiralled into a larger conflict. Since this has included student boycotts leading them missing two months of formal education and endangering their expected graduation, an immediate intervention was needed. Despite efforts of the Commission on Inter-community Relations (CICR), members of the municipal council, the school directors, and representatives of the parents and students to find a sustainable solution which ensures the continuation of the mixed schools, the mayor, together with several ministers from the state level took the initiative to implement a short-term segregation of the schools into an Albanian and a Macedonian language school.

While this solution ensured that the students could graduate, it can only be a short-term solution. The two schools from their outset are different, one having a technical setup, and the other being a regular gymnasium/high school. Separating the two schools by language created, for example, problems with the school's facilities. In addition, the separation between Macedonian and Albanian marginalised students from other communities forcing them, sometimes, into a situation where they must choose sides. This has affected, in particular, students from the Turkish community who have some of their classes in the Turkish language. In view of these and additional factors it is apparent that the segregation of the schools can only be a short-term solution as in the long-term would create further division and embed conflict in youth.



Verein für
Integrative Mediation e.V.

Furthermore, it is important to recognise that almost all of the stakeholders that CSSP met with highlighted the importance of integrated schools and the desire to ensure that the two schools return to their initial setup of two mixed schools sharing one campus. Visiting the school directors on the first day after the end of the school year both confirmed that that day the schools had returned to their mixed nature. However, similar to other stakeholders, there was no clear confirmation how the two schools would proceed in September with the beginning of the new school year. It is of utmost importance to ensure the two mixed and integrated schools are empowered in functioning without incidents and thereby contribute to the future of society and the strengthening of inter-community relations. This requires an encompassing review of the school structures at the municipal and the state level. In addition, it is of utmost important that efforts to work on the issue are combined rather than functioning in parallel, and include preventive projects, youth group meetings, and the setup of a peer mediation programme for the two schools.

Recommendations

- Efforts have to be made to decentralize political parties. In order to best represent the interests of their constituencies, local political leaders must have the authority to make and, more as important, implement decisions on local issues. Local solutions to local problems have to be found.
- The habit of patronage in the political structures does not encourage democratic nor non-discriminatory practices. Measures have to be taken to promote transparent application and selection processes for employment and tender procedures.
- In order to assess the progress of the implementation of the Ohrid Framework Agreement since its signing in 2001, the EU should organize a meeting with all stakeholders at the state level. During the meeting, issues of concern raised by the communities can be addressed and clarified, and a timeframe for the continuation of the implementation process can be determined.
- It is essential to strengthen the CICR mechanisms by clarifying their mandate to members and surrounding structures, which includes a holistic refinement of the legal parameters and the involved stakeholders. This clarification and implementation of the existing parameters will allow the CICRs to fulfil the spirit in which they were intended: to accompany all municipal proceedings, act as a preventive mechanism of ethnic tensions, and to institutionalise inter-community dialogue.
- To promote good inter-community relations, it is important to ensure long-term solutions for the integration of schools which keep in mind the interest of students from all communities and clarifies the responsibilities of the municipal and state structures. This can be achieved by combining efforts and including preventive projects, youth group meetings, and the setup of peer mediation programmes.