



Between Ohrid and Dayton: The Future of Macedonia's Framework Agreement

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Summary

Violent internal conflicts in the decade after the dissolution of Yugoslavia have led Bosnia and Macedonia, arguably the two most complex and contested multi-ethnic regions in the Balkans, to adopt inter-ethnic peace settlements as the basis for their internal stability and constitutional order. Despite the proximate times of their enactment, the settlements represent two opposing views on inter-ethnic peace-building: Bosnia's Dayton Agreement is based on a territorial separation of ethnic groups into federal entities, while Macedonia's Ohrid Agreement relies on institutional inter-ethnic integration and accommodation in a unitary state.

The performance of the two models in the past proved decidedly advantageous for Macedonia; the lack of a cumbersome federal structure allowed Macedonia to swiftly conclude the stabilization phase and make important strides towards Euro-Atlantic integration. Shifting political constellations in Macedonia after the 2006 elections, however, have gradually undermined the consensus necessary to maintain the loose and flexible structure of the Ohrid Agreement operational.

The article makes a comparative analysis of the advantages of the Ohrid Agreement model, and examines if the current political dynamics will allow Macedonia's inter-ethnic peace to maintain its present shape or will necessitate an evolution into a more rigid, quasi-federal model.

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■ "Yugoslavia existed as long as it did", the renowned Balkan connoisseur and author Misha Glenny writes, "because its very existence offered an apparently workable solution to the two most complex problems in the Balkans – those of Bosnia and Herzegovina and Macedonia".¹ A decade and a half since the collapse of Yugoslavia, these two of Europe's most highly contested regions sought to pacify yet another round of violent ethnic conflict within their borders through peace processes, which gave rise to the assumption (from the outset or through evolution) that the final solution to the intractable contradictions and divisions surrounding these countries lay in their integration into another union – the European Union. The Ohrid Framework Agreement opens: "The following points comprise an agreed framework for securing the future of Macedonia's democracy and permitting the development of closer and more integrated relations between the Republic of Macedonia and the Euro-Atlantic community." Bosnia's peace process, on the other hand, has evolved its agenda from "Bonn to Brussels" – to use the words of the Balkan Commission – with the plans for constitutional change and the gradual replacement of the virtually pro-consular powers of the international Special Representative (the so-called "Bonn powers") with sustainable self-government that is deemed essential for the process of EU accession.²

At the time of their enactment, however, the two internationally brokered arrangements that guided the respective interethnic peace processes – the Dayton Agreement implemented in Bosnia from 1995 and the Ohrid Framework Agreement applied in Macedonia since 2001 – reflected two models the international community had for pacifying the Balkans. The choices were to either help regional countries become self-sufficient members of the Euro-Atlantic community or to establish a zone of containment and permanent Western presence, which would prevent the conflicts of Southeastern Europe from jeopardising the rest of the European continent.³

1 *M. Glenny: The Balkans: Nationalism, War, and the Great Powers, 1804-1999.* London: Penguin Books, 2001, 635-636.

2 For a detailed analysis see: *International Commission on the Balkans: The Balkans in Europe's Future.* Sofia, 2005. <www.balkan-commission.org>, 28.02.2007.

3 A paraphrase of an International Balkan Commission statement, which first came to this conclusion in 2005, claiming that Europe's choices in the Balkans were either enlargement or empire: *Idem*, 11.

Both agreements were devised to stop actual or possible large-scale ethnic conflict in the successor states of former Yugoslavia, but due to the different historical contexts and scales of violence, the Dayton and Ohrid models came to reflect these two divergent concepts of ethnic conflict settlement. The idea of the Dayton Agreement was to avoid conflict by dividing the Muslims, Serbs and Croats into three separate territorial and political communities at the local level; Bosnia functioned as a whole only at the federal level, where these separate entities reconnected under substantial international tutelage. The Ohrid Agreement, on the other hand, preserved the unitary character of Macedonia under the motto that "there are no territorial solutions to ethnic issues"⁴ and aimed to achieve interethnic peace by encouraging the two main ethnic communities, Macedonians and Albanians, to resolve their own problems through a process of integration and institutional bargaining and compromise, both at local and state level.

The Ohrid concept took an approach opposite to the Bosnian settlement, to a large extent because it was built after the Dayton experience. Ohrid, according to Clarisse Pasztory, perhaps would not have taken its present form, unless the international community had learned the lessons of Dayton beforehand.⁵ The principal affliction of the Dayton Agreement was that the Bosnian state it produced was not capable of securing peace by integrating into the Euro-Atlantic structures – it required a quasi-imperial Euro-Atlantic presence instead. To use the somewhat cynical but probably most realistic account, "Dayton was a wonderful tool to enforce peace but a terrible device for creating a functional state". As stated by the Venice Commission, it created a political structure that is "neither rational, nor efficient. [...] Power is scattered on too many levels and is usually exercised by [political or administrative] units that are too small to function efficiently." The result was a dysfunctional state that could not – on its own – evolve beyond the ethnic cleavages and towards economic development for the foreseeable future. "A state of the size of Bosnia and Herzegovina cannot afford [constitutional] arrangements that are too complicate [as result of which] over 50 percent of the GDP [...] is spent on financing the bureaucracy, and only a small amount on public investments and community services", the Venice Commission concludes.⁶

The Ohrid Agreement was designed to avoid similar problems in a country even smaller than Bosnia. Its strategy was to strengthen institutional integration and accommodation by using the following four basic policies: 1) substantially decentralise power to the units of local self-government to ensure they would have sufficient

4 Ohrid Framework Agreement. Ohrid, 13 August 2001. <faq.macedonia.org/politics/framework_agreement.pdf>, 28.02.2007.

5 C. Pasztory: The Applicability of the Ohrid Framework Agreement as Model for Kosovo. In: Forum Analytica 6 (2006), 47-59.

6 *European Commission for Democracy Through Law (Venice Commission): Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the Special Representative*, 11 March 2005. <[http://www.venice.coe.int/docs/2005/CDL-AD\(2005\)004-e.asp](http://www.venice.coe.int/docs/2005/CDL-AD(2005)004-e.asp)>, 23.07.2007.

autonomy and resources to support their development and exercise community rights; 2) encourage equitable representation of minorities in the public administration, and especially security services, to guarantee non-discrimination, access to institutions and inclusive security; 3) create special constitutional and legal procedures to prevent "majorisation" of minority interests in legislative procedures, both at the local and the state level; and 4) create a legal framework to allow greater use of national symbols and languages.⁷ The result was a unitary state with an integrated political system, with a far greater scope to resolve interethnic and wider societal problems and to integrate into the Euro-Atlantic community on its own, without an overwhelming dependence on international intervention.

To complete the picture of the complex connection between Dayton and Ohrid, however, a closer look at the differences between the two models is needed. Given the conceptual underpinnings of the two models, it might be expected that the peace settlement, which relies on institutional accommodation, would be far more detailed than the one that relies on physical separation of hostile groups. Paradoxically, the structures of the Ohrid and Dayton Agreements defy this logic. The original text of the Ohrid Agreement, signed in the summer of 2001, consists of only four pages, based on ten main articles organised in 30 items. Additionally, it has three separate annexes on some ten extra pages. In contrast, the plan for ending the Bosnian war, negotiated and initialled in Dayton almost six years before, resulted in a far more extensive and detailed document, comprised of some 80 pages, together with eleven annexes, two appendices and a map.

Herein lies a key feature: The functionality of the Ohrid Agreement is to a large extent the result of its loose structure. The provisions of the Agreement are particularly agile for solving interethnic problems because they do not confine the actors through too many details and strictly defined procedures of how to implement the items elaborated in the Agreement, including the key issues of decentralisation of power, the promotion of equitable representation of minorities in the public administration, and the use of languages and ethnic symbols. Even for the mechanisms critical for institutional protection of minority interests, such as the so-called Badinter "double majority" voting principle,⁸ the Ohrid Agreement and the subsequent legislation do not provide precise instructions as to the mode and scope of their application. Indeed, the Ohrid Agreement – suitably entitled as "Framework" – could be described as an "open-ended" document that provided Macedonia's ethnic groups with a flexible set of principles (a framework) to negotiate solutions for their interethnic problems.

7 *Pasztory*, 48.

8 The French constitutional scholar Robert Badinter was member of the Arbitration Commission of the Peace Conference on Former Yugoslavia (known as Badinter Arbitration Commission) and consultant during the Ohrid negotiations. According to the Badinter majority principle, the passage of legislation where identity issues and minority interests are concerned requires a "qualified majority of two-thirds, 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". See Article 5, item 1, of the Framework Agreement.

Negotiated solutions were gradually converted into legislation, new institutions and best practices, which in turn then upgraded the original framework.

"This Framework", the very short preamble of the Agreement states, "will promote the peaceful and harmonious development of civil society while respecting the ethnic identity and the interests of all Macedonian citizens". But from there on, most things depend on the creativity, initiative and will power of the political elites to determine how the Agreement should be developed and implemented in real life. If multiethnic and multicultural democracy is a "living creature" – a constant work in progress through which inter-group relations and positions are continually discussed and renegotiated – then the Ohrid model assumes that the ethnic groups have sufficient political capacity to continually bargain away their problems to keep their common "creature" alive.

This is the Achilles heel of the framework model. Given the inherent contradictions and tensions of multiethnic societies in transition, as well as the frequent opportunism of Balkan politics, a very limited number of problems gets settled in due time and manner, let alone "once and for all". In that vein, the experience of the five post-Ohrid years has indicated that although considerably smaller, more flexible and outwardly less complicated than the Dayton Accords, the Ohrid Agreement may paradoxically be more difficult to implement and sustain in its intended form. While most of the formal requirements stipulated in the Accord are fulfilled, the reality of multiethnic Macedonia is incomplete and progressing in a direction that is far from determined.

With this legacy and the peculiarities in mind, this article will look at how the framework model might evolve in the context of Macedonia's domestic politics and regional developments. The first part will investigate the popular perceptions and attitudes in post-Framework Macedonia and their effects on interethnic politics. The second section will explore how the dynamics of Macedonian party politics after the parliamentary elections in 2006 mounted perhaps the most serious challenge to the capacity for political dialogue and accommodation – the ability deemed essential for the smooth functioning of the framework model. The final part will attempt to pinpoint the direction where these forces may steer the framework model.

Macedonia: Popular Perceptions, Political Dynamics and the Framework Agreement

Public opinion polls in Macedonia have had several recurrent characteristics over the last five to six years.⁹ After a long (and to a large extent) failed economic and political transition, widespread pessimism has become the dominant perception among

9 The polling data in this text, unless otherwise noted, is extracted from the UNDP Early Warning Reports for Macedonia 2004-2006. The reports are based on a people-centred analysis in the areas of political and institutional stability and regional stability, which periodically controls a number of

citizens. Confronted with various socio-economic problems, people have largely lost their confidence in the democratic institutions of the state and in their leadership, both on institutional/party level and on a personal level. These views, however, do not have a major destabilising effect on interethnic relations. On the contrary, to the overwhelming majority irrespective of their ethnic background, unemployment, poverty and corruption are the constant and prevailing problems, which overshadow concerns about real and imagined interethnic problems. Thus, the percentage of respondents concerned about ethnic problems in the country is in constant decline: While in the years closer to 2001 some 15–20% of respondents expressed serious concern about interethnic relations in the country, this percentage gradually dropped and reached a record low level of between 1 and 2% in 2006.

As an effective diversion from interethnic tensions, this socio-economic context greatly facilitates the popular reception of the Ohrid Agreement on both sides of the ethnic divide. However, the preoccupation with economic troubles does not dissolve major ethnic schisms in post-Framework Macedonia – it only sweeps them under the carpet of the day-to-day problems of transition. In reality, the political order established by the Ohrid Agreement is neither uncontested nor free from bias. Although most non-Albanians in the country are by and large not opposed to the Agreement, the view is widely held among ethnic Macedonians that "Albanians got more than they deserved".

At the root of this interpretation lies the security dilemma of the ethnic Macedonian majority – a fear of being marginalised in their own country, which builds upon the Macedonians' historical experience of encroachment by neighbouring nations. By bestowing rights and privileges to the Albanian minority after an armed conflict, the Ohrid process amplified an acute phobia, which existed ever since Macedonia left the sanctuary of the Yugoslav Federation in 1991.¹⁰ As a result, Macedonians view the Agreement through the lenses of a "zero-sum game" – feeling as if they have been defeated in the bargaining process and have lost some rightful privileges and justifiable leverage in society. In the ethnic Macedonian political "camp" the perception of defeat is reflected in the view that the Framework Agreement was imposed, rather than negotiated in Ohrid. These frustrations are compounded by worries about the survivability of their country, if tensions in Albanian-dominated Kosovo might radicalise Macedonian Albanians again. In this context, Brenda Lee Pearson made the point that "many ethnic Macedonians fear that the ethnic Albanians' appetite for more

indicators through public opinion polls conducted by BRIMA, the Macedonian branch of GALLUP International, associate of Taylor Nelson Software. These reports are available for download on <www.undp.org.mk>, 18.05.2007. One of the authors of this text, Saso Ordanoski, has contributed to the UNDP's Early Warning Reports for Macedonia in 2004, 2005 and 2006.

10 Michael Lund argues that the spectre of internal conflict started after Macedonia's independence in 1991, when ethnic Albanians challenged the country's political order based on the ancient "Tito's nationalities policies [which] had conferred on ethnic Macedonians a proprietary hold on the country's territory and governmental apparatus." See: *M. Lund: Greed and Grievance Diverted. How Macedonia Avoided Civil War, 1990-2001.* In: *P. Collier / N. Sambanis Nicholas (eds): Understanding Civil War, Volume 2.* Washington: The World Bank, 2005.

political and economic advantages will never be satisfied, despite the concessions made under the Framework Agreement. They believe that the real goal of the Albanians is federalisation of the country, essentially partitioning Macedonia between the overwhelmingly ethnic Albanian region in the West and the rest of the country.”¹¹

The consequence is that “ethnic Albanians and Macedonians have mirror-image requirements of what they expect from the Framework Agreement”, as Brenda Pearson concludes in her analysis of the effects of the Ohrid Agreement in Macedonia.¹² In contrast to ethnic Macedonians, Albanians in Macedonia feel more optimistic and satisfied after the Ohrid Agreement. They mostly see it as the long awaited step forward in ensuring their appropriate place as a major ethnic group in the country, after years of marginalisation. As a result, the percentage of ethnic Albanians who think of Macedonia as their country has increased every year since 2001. In 2006 some 80% of ethnic Albanian respondents said they had “always considered themselves citizens of Macedonia”.

Despite polarisation in the recent past, the central historical characteristic of Macedonia's interethnic relations according to most studies, is the tradition of peaceful cohabitation, generally reflected as appreciation for ethnic, religious and cultural “differentness” in day-to-day interaction. On the other hand, “tolerance manifested in this way is accompanied by a strong ethnic distance, which comes mostly to the surface in case of activities touching upon the ethnic identity”.¹³ The two main ethnic groups, Macedonians and Albanians, still have high reservations (more than 70, and more than 80%, respectively) about marriage with a person from the other ethnic group¹⁴ – a trend which indicates a large degree of mutual non-acceptance. Resistance to voting for a candidate from a different ethnic group is somewhat smaller (but still over 50%). On the other hand, conducting business, or maintaining personal friendships with individuals from another ethnic group is not seen as a problem for the vast majority (around 90%) of respondents.

A significant and long-standing pattern of behaviour among the majority of Macedonian citizens is the low responsiveness to efforts to mobilise the masses on the basis of the so-called “ethnic prejudices”. Polls consistently show that, although more than 50%

11 *B.L. Pearson*: Five-Year Report Card on the Implementation of the Ohrid Framework Agreement. Political Leaders Score Lower than the People. In: *Forum Analytica* 6 (2006), 80-98.

12 *Idem*. See also *C. Irwin*: Peace, Stability and Elections. An Opinion Poll and its Implications. In: *The Global Review of Ethnopolitics* 2 (2002), 62-74. An October 2003 poll conducted by the Association for Democratic Initiatives found that only 29% of ethnic Macedonians believed the Agreement had a positive effect on stability, whereas more than 70% of ethnic Albanians believe the Agreement positively affects the stability of the country.

13 *United Nations Development Programme*: Early Warning Report, March 2006, 36.

14 According to regional statistics, ethnic Albanians have the lowest percentage of mixed marriages (so-called exogamy) in the whole region. For details about similar trends in Kosovo see *I. King / W. Mason*: *Peace at Any Price. How the World Failed Kosovo*. Ithaca: Cornell University Press, 2006.

of the respondents, mostly ethnic Macedonians, would agree with the statement that "there are ethnic groups within our borders which pose a threat to our sovereignty", the portion of those who would actually respond to calls from ethnic leaders to engage in ethnically motivated protests has dropped to a mere 1 to 2%. This general lack of enthusiasm for interethnic confrontation is one of the keys to understanding interethnic politics in Macedonia and the stability of the Ohrid settlement. Despite the substantial tensions in the country and the region throughout the 1990s and especially in 2001, this factor has most of the time placed considerable limits on the political use of populism and ethnic opportunism. The ability to absorb interethnic friction is also a consequence of Macedonia's democratic institutions and political tradition. The country managed to escape the fate of Croatia and Bosnia, because unlike these two,¹⁵ institutional interethnic accommodation – however imperfect – existed already a long time before the Ohrid Agreement. "Macedonia has always been governed by multiethnic coalitions" – Michael Lund argues – "[p]ower sharing offered ways to meet Albanians' demands [and] thus co-opted mass-level social tensions".¹⁶

Other important features of Macedonia's ethnic politics, however, leave no room for complacency. The seemingly endless transitional decline and lack of social and economic opportunity has left behind a significant potential for violence that, if politically articulated, could reverse the achievements of the Ohrid process. According to polling data, as many as one third of ethnic Albanians justify the use of violence for political purposes, as opposed to 7 to 8% of non-Albanians. Despite the general erosion of political legitimacy, political, social and economic setbacks could provide chances for political opportunists to channel this latent aggression towards ethnic issues. Another factor that keeps the threat of the radical ethnic option¹⁷ alive, is the large stocks of illicit weapons and other conflict resources still present in Macedonia,¹⁸ or available for import from the neighbourhood. Experience shows that in conditions of sustained political instability, radical ethnic politicians equipped with these conflict resources could quickly overrun ethnic peace based on inter-group consensus. Other cases in former Yugoslavia have demonstrated that political manipulation of popular fears and security dilemmas can induce a rapid ethnic polarisation under the right circumstances, even when most members of ethnic populations strongly believe that ethnic confrontation will be costly and unnecessary. Serbs and Croats in Croatia in 1991, for instance, were overwhelmingly against the strategy of confrontation followed by the

15 The lack of democratic institutions to prevent polarisation and violence is considered a major contributor to Bosnia's ethnic conflict. For more details, see *S. Kalyvas / N. Sambanis: Bosnia's Civil War. Origins and Violence Dynamics*. In: *Collier/Sambanis: Understanding Civil War*.

16 *M. Lund: Greed and Grievance Diverted*, 233-234.

17 Opportunities for spill over from hotspots in and around Kosovo are particularly troublesome as they have for the most part, furnished the Albanian insurgency in 2001. *Idem*, 240.

18 The number of illicit small arms in Macedonia is estimated between 100,000 and 450,000, with much more easily available throughout the region. See: South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (*SEESAC*): South Eastern Europe SALW Monitor 2006. <www.seesac.org>, 17.03.2007.

extremists in both camps. Radical politicians, however, managed to achieve a rapid polarisation and homogenisation of ethnic opinion playing on the fears and security dilemmas of the two populations, as the uncertainties surrounding their relations after the demise of Yugoslavia increased.¹⁹

Escalations on this scale are unlikely, but even minor disturbances could derail the delicate institutional accommodation processes of the Ohrid model. Most able to rally ethnic groups behind the radical banner are Macedonia's ethnically based parties. As much as they are loathed and de-legitimised by the majority of all ethnic affiliations, the parties and their elites remain the dominant opinion makers, and thereby the largest trouble makers of Macedonia. In a situation with unemployment of around 35% and an abysmal lack of economic opportunity, political party patronage provides critical leverage over large parts of the population. Moreover, Macedonia's parties have virtually full control of the media – the owners of practically all major electronic media in Macedonia are leaders or functionaries of political parties. The potential destabilising effect of this political-media syndicate was demonstrated during the conflict in 2001 when, according to Lund, "[...] the media acted as ventilators of partisan views [...] they fuelled the crisis rather than alleviated it".²⁰

Given this reality of party-dominated social life, the biggest potential challenge to the Ohrid achievements arises from the dynamics of ethnic party politics in Macedonia. Especially after the Framework Agreement and the entry of the Democratic Union for Integration/DUI (the former political wing of the Albanian guerrilla movement in the 2001 conflict), Macedonia's political scene has decidedly evolved towards a competitive ethnic two-party system – an order which is considered less stable than most other options. With this system, two parties in each ethnic community have comparable chances of winning the majority of votes from their related ethnic groups. Given the traditional combination of one major Macedonian and one Albanian party in Macedonian government coalitions and the fact that each of the two ethnic ballots are split relatively evenly, competition between parties within their ethnic camps is fierce. The political struggle centres on the interests of the respective ethnic constituents, so habitually, the major ethnic opposition parties would take a more radical stance to advance these interests vis-à-vis the other groups. To protect its ethnic credentials against such "flanking" from the competition, the party in power is compelled to follow suit.²¹ The effect is a centrifugal thrust towards distancing and friction between the two ethnic political camps, which, if not arbitrated through the institutions, and if not countered by the centripetal pull of the Euro-Atlantic integration, could unravel some key aspects of the Ohrid settlement. The most significant challenge of

19 For a detailed analysis of this phenomenon, see *J. Fearon*: Commitment Problems and the Spread of Ethnic Conflict. In: *D. Lake / D. Rothchild* (eds.): The International Spread of Ethnic Conflict. Fear, Diffusion, and Escalation. Princeton, NJ: Princeton University Press, 1998.

20 *M. Lund*: Greed and Grievance Diverted, 245.

21 For a detailed discussion of peace processes and ethnic political dynamics see: *D. Horowitz*: Ethnic Groups in Conflict. Los Angeles: University of California Press, 2000.

this kind thus far emerged with Macedonia's second transition of power after the Framework Agreement adoption in 2006.

On 5 July 2006, the ethnic Macedonian right-wing party VMRO-DPMNE won general elections in Macedonia, but with the slimmest majority compared to three (out of four) governments that ruled Macedonia in the last fifteen years. To survive in this vulnerable position, VMRO calculated it must avoid being locked in a web of unpopular compromises – typical of post-Framework Macedonia – that would erode its support in the ethnic Macedonian electorate and expose VMRO's frail majority to intra-ethnic political challenge. The most important such compromise was the precedent established by the Social-Democratic Union of Macedonia/SDSM – VMRO's main ethnic competitor – to include the former guerrilla movement and winner of the Albanian ballot DUI in the ruling coalition of 2002, the first transition of power since the signing of the Ohrid Agreement, despite the strong negative image of this party in the Macedonian electorate.

Resistance to DUI's inclusion in government, and to some of the compromises it was able to impose in the Ohrid Agreement implementation, enabled the opposition VMRO to maintain an edge in the Macedonian ethnic constituency, which contributed to its victory over the Social Democrats in the 2006 elections. Facing possible revolt among hardliners in his own ranks, and anticipating a reign riddled with difficult compromises if DUI were to enter the governing coalition, VMRO's president and new mandator Nikola Gruevski calculated that continued resistance to DUI could increase and solidify VMRO's electoral advantage vis-à-vis the competition. To satisfy the unwritten practice of forming a multiethnic coalition with an Albanian party, Gruevski chose the more opportune option to ally with the Democratic Party of Albanians/DPA – DUI's bitter adversary – which emerged second in the polls, but ran on a campaign of smearing the myth of the Albanian "national liberation struggle" in 2001 and the progress achieved in implementing the Framework Agreement (both championed by DUI). DPA's campaign strategy was to undermine DUI within the Albanian electorate, and at the same time, position itself as the coalition favourite of the Macedonian nationalists.

Although a product of tactical political calculations, the ensuing standoff between the government partners VMRO and DPA on one side, and the opposition DUI on the other, began to undermine at least two of the three fundamental pillars of the Ohrid Agreement. The first and most fundamental – the "Badinter majority" principle – was challenged both at the conceptual and the operational level. The principal conceptual dilemma emerged from the fact that the Framework Agreement provided no explicit legal requirement for the winner of the Macedonian ballot (which, because of its majority, gets the mandate to form a government coalition) to pick the winner of the Albanian ballot as their coalition partner, a line which VMRO used to rationalise its coalition-making decisions. DUI, on the other hand, vehemently argued that although there is no legal obligation for the government to be formed according to the Badinter majority principle (i.e., to include the winner of the Albanian ballot), the spirit of the Ohrid Agreement implied this. Any other alternative, according to DUI,

would be a return to the minorisation of the Albanians, through the minorisation of the will of the majority of the Albanian voters.

In theory at least, DUI's complaints are implausible. The control over Badinter majority in parliament – and not necessarily a share of the executive power – should provide the Albanian majority party sufficient leverage to compel the executive branch of any make-up to heed the interests it represents. But because of the confrontational dynamics of the party system, DUI's arguments were given credibility on the operational level – the level of everyday application of the Badinter principle. When VMRO decided to resist rather than accommodate DUI, the Badinter majority in parliament became DUI's main instrument in its dealings with the executive. Fearing that DUI might systematically use this leverage to block key legislation and undermine the government, the VMRO-DPA coalition began to twist the rules for its use – a stratagem facilitated by the flexible terms of the Ohrid Agreement on which this mechanism was based. In response, DUI withdrew its deputies from parliament and threatened to trigger a major constitutional, political and interethnic crisis by returning the mandates of its MPs.

This "zero-sum contest" holds a similar deconstructing potential for the process of decentralisation, the second pillar of the Ohrid Agreement. VMRO's decision to exclude DUI from the executive branch provoked tensions between the government and DUI's mayors, which currently control an overwhelming majority of 33 out of the 34 ethnic Albanian municipalities in Macedonia and have considerable autonomy under the Framework Agreement decentralisation provisions. Fearing DUI would use the extensive autonomy of the municipalities under its control to challenge central authorities, the government responded by holding back, and in some cases reversing the progress on decentralisation, especially the due process of fiscal decentralisation. This standoff – if allowed to escalate – not only threatens to sabotage decentralisation, but also to paralyse DUI-controlled municipalities at the communal level, producing economic and social consequences that could foment serious local unrest and interethnic polarisation.

In conclusion, the emergent competitive ethnic party dynamics in Macedonia have demonstrated that an interethnic settlement based on a loose legal foundation as the Ohrid accords is sustainable only as long as the principal political parties are driven by the centripetal force of accommodation. As the functioning of these elastic (and sometimes vague) provisions in practice necessitates continuous accommodation between the key actors, the decision of the new Macedonian Prime Minister to curb rather than appease DUI inevitably led to institutional blockade. But Gruevski's biggest mistake was the attempt to deal with DUI's resistance by defying the Framework Agreement core mechanisms – instead of using them as an argument against DUI's unwarranted demands and obstructions. US and European Union pressure to restore Macedonia's ethnic equilibrium before political tensions could turn into interethnic tensions, led to direct VMRO-DUI negotiations on the terms of DUI's return to parliament based upon an agreement to reinforce the legal provisions for the use of the Badinter majority principle in late May 2007. But they have not succeeded in breaking the essential disagreement between VMRO and DUI,

particularly on the sensitive issues of the use of Albanian language for official purposes, the question of remittances for the families of the former Albanian guerrilla fighters, and the mode of Albanian participation in government coalitions.

As Macedonia's political spectrum struggles to overcome this stand-off in the months ahead, the country's ethnic reconciliation model is bound to face a difficult "make or break" period. If the Ohrid settlement mechanisms fail to prevent an extended legislative and interethnic gridlock and maintain cohesion under various politico-ideological constellations, and Macedonia's NATO and EU integration and stability are jeopardized in the delicate period of closing Kosovo's unresolved status, there is real danger that pressures for a fundamental revision of the Framework Agreement towards a more robust and less flexible, quasi-federal governance model will prevail.

The Ohrid Agreement and the Future: A Model for What?

The domestic socio-political conditions and regional circumstances, in which the Ohrid Agreement was implemented over the past six years, were exceptionally complex and constantly changing. Despite these challenges, all formal obligations of the Agreement were more or less fulfilled. All constitutional changes have been completed, albeit some with certain delay. A nationwide census has been carried out, and its results finally ended controversies about the real percentages of minorities of the total population of Macedonia. According to the 2002 census figures, ethnic Macedonians comprised 64.18%, Albanians 25.17%, Turks 3.85%, and Serbs, Vlachs, Romas and others the rest of the total population.

Although the removal of the vast quantities of illicit small arms and light weapons remains largely unfinished, an escalation of violent interethnic conflict was prevented and transformed to political dialogue and institutional accommodation. The process of decentralisation²² is in advanced stages of implementation, often producing better results than originally anticipated. The progress of equitable representation of minorities in the public administration has been a subject of political controversy and administrative hindrance, but substantial progress was achieved in the most delicate areas, such as the security forces. As illustration, the number of minorities in the armed forces rose from the very low 3% in 2002 to about 20% in 2006. The "Badinter principle" of the double majority voting has a mixed record – it was legally introduced to the full extent of its provisions, but politically disputed in practice, especially during the

22 In 1996, Macedonia increased the number of municipalities from 36 to 124. After the conflict of 2001, a second territorial reorganisation brought the number back to 84. In its essence, decentralisation is always a work-in-progress, even when it can formally be proclaimed as finished, but ethnic Macedonians believed that the Albanians were using the process to exert influence over territories that were originally dominated with ethnic Macedonian populations such as in Tetovo and Struga. An unsuccessful referendum against the new territorial organisation in 2004, supported by the opposition VMRO, threatened to overturn the Ohrid process and initiate new tensions.

recent rows between DUI and the ruling coalition parties. Regarding to the "identity" components of the Ohrid Agreement, the law on the use of national symbols and flags has been successfully passed and implemented, but the legislation concerning the use of minority languages is still under (sometimes heated) political debate. Albanian language education opportunities in the country have improved dramatically,²³ although the general conditions of education in the country are in poor shape.²⁴

The real dilemmas after more than five years of implementation of the Framework Agreement, however, centre on the integrative capacity of this model of interethnic peace settlement – its ability to maintain the domestic cross-community cohesion under various political constellations, and thereby catalyse social development and the Euro-Atlantic integration of the country. Or to turn the argument around, if the essential prerequisite for the functioning of the Ohrid model – a wide-ranging custom of political dialogue and institutional accommodation – is replaced with some other balancing practice, there is a real danger that slowly, if inadvertently, Macedonia's occasionally centrifugal politics could lead the Dayton model solutions to the Ohrid model problems.

Summarising Macedonia's five year long and vibrant public discussion on this matter, Ivica Bocevski notes that there are two kinds of political readings and practices of the Agreement: the liberal, so-called "Who-Are-You?" citizen-oriented approach, and the federalist, so-called "Whose-Are-You?" ethnic group-oriented approach. Bocevski claims that: "[T]he liberal reading recognizes the multicultural line in Macedonian society and sees the Framework Agreement as a set of measures and integrative processes of the citizens of the Albanian community in the mainstream of the Macedonian society. According to the liberal reading, ethnic origin is merely one of the numbers of identities that define the citizen in a democratic society. Although important, [the ethnic origin] is not the unique identity."²⁵

The federalist interpretation of the Agreement, according to Bocevski, stems from the fact that "by implementing this agreement Macedonia has been *de facto* transformed into a non-territorial federation of two entities where the citizen's communication with the institutions is carried out via the elected representatives of each ethnic community. The resistance shown by the Macedonian public toward the latest territorial division actually stemmed from the federalist interpretation of the Framework Agreement and the fear that asking for 'community federalism' would actually grow into territorial federalism." According to the federalist reading of the Agreement, every

23 Besides the existing private Albanian-language SEE University in Tetovo and positive quota system for enrolment of minorities in the two state universities in Skopje and Bitola (both with education in Macedonian language), a third state university in Albanian language was legalised in Tetovo in February 2004.

24 For a better insight of the deprived conditions of the Macedonian education sector more can be found in: World Bank Strategy for Education Development 2001-2010.

25 I. Bocevski: Whose-Are-You vs. Who-Are-You. A Liberal and a Federalist Reading of the Ohrid Agreement. In: Forum Analytica 6 (2006), 36-45.

community in Macedonia is responsible for arranging the lifestyle of the individuals that appertain to it. State institutions are only a medium via which leaders pursue group interests of the community they belong to.²⁶

Brenda Pearson also warns against the federalist inclinations among elements on the Macedonian political scene. She writes that “[n]ot all ethnic Albanians want to see Macedonia divided into ethnic enclaves through federalization, but it is true that many see federalization as a long-term solution, especially those Albanians living in Macedonia who came from Kosovo or continue to live in the Diaspora communities of Europe”.²⁷ Pearson maintains that these positions are also propelled by the “weekend patriots” who return to Macedonia from their Western residences during the summer, with outdated memories of Albanian mistreatment at the hands of the state, which can have a corrosive effect on Albanian villages.

However, it is not only the “weekend patriots” who are encouraging the federalist interpretation in Macedonian politics. Very prominent politicians in the Albanian political camp (both from DUI and DPA) read the Framework model principle of “double majority” voting mechanism as the federal element in the constitution that pushes Macedonia’s political system closer to consensual democracy, opposite to the constitutional definition of the unitary character of the state, reconfirmed by the Ohrid Agreement. The views of DPA’s leader Arben Xhaferi, for instance, have continually orbited around this understanding of the Ohrid Agreement. On numerous occasions, he elaborated that the Ohrid Agreement is only a stepping stone to the federalisation or further disintegration of Macedonia, as one of the final stages of the process of the final dissolution of the Ottoman Empire successor states. DUI’s adamant demands to be included in the ruling coalition as a result of their “ethnic” victory in the 2006 general elections – in its interpretation, a requirement reflected in the spirit of the Ohrid Agreement – could also be seen as a step in the direction of federalisation.

A potential introduction of this provision in the Framework Agreement would turn Macedonia into a “non-territorial” federation – a still unitary polity, but one in which the legitimacy to govern would be granted to the winners of the two “ethnic elections”. This move would permanently cement the dominance of the ethnic party platform versus the liberal citizen platform, based on the cross-ethnic shared values and ideologies, and could ostensibly be the first step towards territorial federalisation. Sadly, the unfortunate inclination of both the ruling VMRO and DPA and the opposition DUI to defy each other, rather than engage in a constructive dialogue and institutional bargaining after DUI was left in opposition, greatly increased the potential force and authenticity of this argument. Should conditions escalate into a more permanent interethnic deadlock, a fresh interethnic settlement might become necessary, steering the Ohrid framework towards a more elaborate, quasi-federal, Dayton-style constitutional model.

26 Idem.

27 *B. L. Pearson*: Five-Year Report Card on the Implementation of the Ohrid Framework Agreement. Political Leaders Score Lower Than the People. In: *Forum Analytica* 6 (2006), 80-98.