

THE CHALLENGE OF (NON) IMPLEMENTATION OF THE OHRID FRAMEWORK AGREEMENT IN THE REPUBLIC OF MACEDONIA

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Abstract

The Ohrid Framework Agreement (2001), which was designed to preserve the territorial integrity of Macedonia and meet the demands of the Albanians for constitutional and legal changes in order to achieve equality between Albanians and Macedonians, even though initially it was considered to be a success not only for Macedonia, but also an example of diplomacy, resulting in stability in this part of the region, did not resolve some of the concrete issues which were to be resolved in order to maintain the country's unity and carry its Euro-Atlantic integration forward. Through a case study, an analysis of the legislation approach is conducted on the use of national symbols, such as using flags of ethnic communities. It is a sure thing that, adopting the Law on languages, national symbols and the “authentic interpretation” of the Amnesty Law were part of a “political agreement between coalition partners VMRO-DPMNE – BDI.” Also, the re-socialization of former NLA fighters is an integral part of the process of mutual reestablishment of trust between the Albanians and Macedonians. But, unfortunately, everything remains at a moral level of a private concern, and not that of institutional concern. Even the new Constitution of Macedonia has not only defined the domination of the Macedonian people in its Preamble (where the country is described as a state of the Macedonian people and then as parts of other people), in addition to defining the Macedonian language as an official state language while the Macedonian Orthodox Church is defined differently. The model of “power-sharing agreement,” now shows an example of weak institutionalization of consensual democracy. There is a constant call from Brussels and US for the

necessity of reforms and the implementation of the Ohrid Agreement, because without their implementation and without political stability, no economic program can bring progress to the country. Open issues should be resolved successfully, and then progress could be made. If Macedonia fails to respect its agreements, then it misses chances to open the doors to NATO and European Union membership.

Keywords: Macedonia, Ohrid Agreement, national symbols, re-socialization, Euro-Atlantic integration, legislation, authentic interpretation, consensual democracy

Introduction

The citizens of Macedonia, especially the Albanians, always when they come to remember the date and history of the Ohrid Agreement signing, which even though at the time (signed in year 2001), it created much enthusiasm and hopes for the future, did not manage to be accomplished in its entirety, causing disappointment, which viewed from the public perspective, , especially from the Albanian side, loses its ground to be marked. Even to this day, the Albanian-Macedonian peace agreement has not been placed on its firm tracks for the journey. So, this year (not earlier than August 13th of this year) it is going to be 13 years of the signing of the Ohrid Agreement, an agreement that ended the conflict between the Albanian fighters and the Macedonian security forces. The Agreement was to preserve the Macedonian territorial integrity and meet the demands of the Albanians for constitutional and legal changes in the direction of equality between the Albanians and the Macedonians. Initially this agreement was considered a success not only for Macedonia, but also as an example of diplomacy that resulted in stability in this part of the region. In fact, what the Ohrid Agreement was expected to bring, seen as a document which wasn't just resolving momentary problems, but a framework to find solutions to great challenges that Macedonia was faced with, in reality has not materialized. Its effects, now, thirteen years later, show that this Agreement was a very important document, managing to end the conflict of 2001, because who knows how bad the situation might've gotten. However, it certainly did not end interethnic disagreements! Considering the points of view of those who know the circumstances leading to the Agreement, it is stated that the noted commitment in all of these years, for the implementation of the Ohrid Agreement, especially the passage of laws, has targeted some of the concrete problems needing to be resolved in order to preserve the country's unity and make progress toward its Euro-Atlantic integration. The political analyst, Bruce Jackson, back then considered the Ohrid Agreement an example of a successful democracy that would serve the whole region, viewing it as an

agreement which marks a number of achievements – as something that has laid the foundations for the integration of this southern Balkan corner in the European institutions, and, in a way “radiating stability around Macedonia.” At that time, they thought the conflict outbreak in Macedonia had caught the West off guard, since they considered Macedonia “a successful example of a multiethnic society in the region.” But, later on analyses and discoveries on the ground would prove otherwise. The Macedonian political discourse, had to promote values that in essence aren’t chauvinistic and don’t offer privileges to the Macedonian population. So far, unfortunately, this has continued and keeps on happening due to the fact itself that this politics promotes “ethnic” nationalism, causing a line of contradictions among the Albanians and the Macedonians. Now, the question is, why was the Ohrid Agreement made? Why are the political demands of the Albanians being delayed? In order for a civil war of a larger scale to have been prevented, the Prime Minister of that time, Ljubco Georgievski, the leader of the Macedonian opposition, Branko Crvenkovski of the Social-Democratic League, the leader of the Democratic Party of the Albanians, Arben Xhaferi and that of the Party for Democratic Prosperity, Imer Imeri, signed an agreement in Ohrid for a package of amendments to change the constitution and the laws that would satisfy the demands of Albanians, as parameters for a fair representation of Albanians (it reads: ethnic communities in administration), language use rights, as well as a framework to strengthen local government (decentralization).

Macedonia under the shadow of the recent past

Even previously, many authors have pointed out the fact that division lines based on identity are frequent and changeable. Macedonia is a country of deeply divided major communities: Macedonians and Albanians, where according to the latest census of the population, family economy and homes, in 2002, Macedonia has 2.022.547 inhabitants, of which 1.290.981 or 65, 17% are Macedonians and 506.083 or 25,57% are Albanians.³³ Being divided by the language, religion and a strong national identity feeling, communication between the two communities (Macedonian and Albanian – my remark) has been limited in the period of the last decades. Therefore, as Florian Bieber states “the tension between the Albanian ‘minority’ and the Macedonian majority has become a defining feature of the Macedonian state since its creation.”³⁴ After the referendum for independence at the end of year 1991 and the adoption of the new Constitution, Macedonia was formally

³³ <http://mk.wikipedia.org/wiki/>

³⁴ Florian Bieber, in “Power-sharing and the Implementation of the Ohrid Framework Agreement,” Friedrich-Ebert-Stiftung, Skopje 2008.

declared a national state, but weakened by the regional aspect and no support from the Albanian community for the new nation. The nineties were characterized by contradictory developments: political integration of the Albanian minority and the deeper (even wider) division between the two main communities. As it will be outlined below, having the Albanian political parties be part of the Assembly and the Government was due to a special balance of powers among political groups based on the majority system and the intentional politics of inclusion. The period between years 1991 and 2001 did not reflect to a substantial inclusion of the Albanian population in the public administration and the country functioned primarily as a national country of the majority people. Though the Albanians were part of the Government, the governmental system couldn't be considered as a form of power-sharing system, but as an attempt to include the Albanian elite. The number of ethnic countries which have minorities explicitly ousted from the political life or have obstructed minority rights is small. Most of ethnic countries have created a symbolic hierarchy or ownership and privileges for the majority in different areas. Considering this, Macedonia was no different from the model of an ethnic state in the nineties. Installing Macedonian national symbols as country's symbols has been the key answer to multiple challenges for the country and the Macedonian people distinctiveness, symbols created by neighboring countries. The most disputed issue has been the country's international relations, focusing on the name issue (with Greece), distinctiveness of the Macedonian nation and language (with Bulgaria) and the Macedonian Orthodox Church (with Serbia).³⁵ Regarding the use of symbols, the Albanians and most of other non-Macedonian ethnic communities did not oppose country's selection of symbols. The Macedonian Assembly adopted the Law on the use of national symbols, where based on the law that regulates the use of ethnic communities flags, besides the state flag, in all the municipalities where over 50% of the population belong to an ethnic community their national symbols can be used. But, the law defines the state flag to be 1/3 larger than the ethnic community's one. It should be recalled that the Law on the use of the Albanian flag was abrogated in 2007, by the Constitutional Court. No doubt, the adoption of the Law on languages, the national symbols and "authentic interpretation" of the Law on amnesty were part of the "political deal between coalition partners, VMRO-DPMNE and BDI." The new Macedonian Constitution has also, not only defined the Macedonians as the dominant people in its Preamble (where the state is described as a state of the Macedonian people and then of other peoples' parts), but has defined the

³⁵ Florian Bieber, in "Power-sharing and the Implementation of the Ohrid Framework Agreement," Published by: Friedrich-Ebert-Stiftung, Skopje 2008.

Macedonian language as an official state language and has given specific treatment to the Macedonian Orthodox Church, as well.

The Ohrid Agreement and the Disbanding of the National Liberation Army

The Ohrid Agreement was followed by the disarmament and disbanding of the National Liberation Army (UÇK), which likewise marked the beginning of a political reform process. Months of difficult negotiation on the country's legislation led to constitutional changes and the passage of new laws, granting more rights to the Albanians. Almost all legislative measures were taken care of in the peace agreement. Initially, multiethnic police forces were patrolling the Albanian areas, where despite sporadic encounters, serious fighting was prevented. A very significant fact should be acknowledged that the Agreement was reached under a strong pressure from the international community. The EU envoy, Alain le Roy, had this statement about the Ohrid Agreement: "For the international community, August 13th is still a very important date, because it shows how Macedonian party leaders have been able to find a compromise, that has been, I must say, very effective during last year," adding that, "if we compare the conflict in Macedonia with all the conflicts that occurred in the Balkans, you can see how mature were Macedonian parties, that were able to find this compromise." Here, "the carrot and stick metaphor (punishment and reward) has been used in a funnier way than the usual which proposes a variety of ways, the strategy of encouragement can be reformatted with."³⁶ Even though neither Macedonian politicians, nor the Albanian ones are very happy with their achieved compromise, a former NLA commander converted into a politician, Ali Ahmeti, still thinks that it was a "historic" step forward. "Two communities reached an agreement after 100 years of disagreements and contradictions. Regardless of what people are saying, the Ohrid Agreement is for sure a great step, even though one cannot say that it is ideal" said Ahmeti. Washington has permanently called upon the country's authorities to rely on these achievements, ensuring that the United States and EU will continue to support the peace and economic recovery in Macedonia. The EU High Representative for Foreign and Security Policy, Javier Solana, who played a key role in the Agreement mediation, had stated that the peace agreement had "brought greater peace and stability" to the Balkan region. Though the Agreement is considered to be mainly successful, areas needing further endeavors include ethnic reconciliation, implementation of adopted laws, etc. Also, in the recent years in Macedonia discussions have been about the

³⁶ Deborah Stone. *Policy Paradox. The Art of Political Decision Making*. W. W. Norton & Company, 1997.

“spirit of the Ohrid Framework Agreement,” that primarily has pointed to the issue of applying the so-called “Badinter mechanism” in forming the coalition government (to include the bigger ethnic Albanian party), which then was extended into discussions over other issues. While one side was claiming that this “spirit” had to do with a violation of the Framework Agreement by the current government, the other side had completely ignored the “spirit” that the Agreement is interpreted in or had just said that there was no legal obligatory regulation which the governing party should act upon in any certain way. In terms of legal terminology, it would be more appropriate to use the notion “meaning and purpose” of the Framework Agreement regulations and to respond to current issues and challenges, from the point of view of notions pointed out. But this problem isn’t only related to terminology. In fact, the “spirit” means exactly this – the meaning and the purpose. What was the “meaning and purpose” of the Ohrid Framework Agreement when it was reached and signed in 2001? Undoubtedly, it was for immediate peace to be installed, but not just that. The Agreement wasn’t just an agreement to stop fighting, but an agreement to lay new foundations for the Macedonian Constitution. Based on the political model descending from the classical idea of Westminster democracy, the amended Constitution turned the structural establishment into a consensual democracy, with special rules by which smaller ethnic groups are not to be dominated by the majority in certain political areas.³⁷ But, this model of “power-sharing,” now results in a poorly institutionalized consensual democracy. It sounds like the quote, “we cannot sympathize with another man’s life, because we are very much confined into ourselves. However, no matter how much I love my daughter, I don’t feel her tooth ache.” So, something greater than the toothache, the model of “power-sharing agreement” was to guarantee that all ethnic communities in Macedonia are involved in the political, social and cultural life and the freedom of expression itself, in the country of Macedonia. Guaranteed rights must not be nominal only, but citizens of smaller ethnic communities must have real opportunities to materialize them. Furthermore, the Ohrid Framework Agreement was designed to fully integrate ethnic communities, whose level of participation previously depended on the willpower of the major ethnic community.

What has been achieved?

From the beginning, the Agreement implementation was faced with stagnations leading to the failure of many of these objectives. “The implementation of the Ohrid Agreement has not been satisfactory in some

³⁷ “Power-sharing and the Implementation of the Ohrid Framework Agreement,” Published by: Friedrich-Ebert-Stiftung, Skopje 2008. http://www.fes.org.mk/pdf/OFA_english.pdf

areas,” declared Daniel Serwer of the American Institute of Peace. Even though Serwer very clearly states the fact that the Agreement was intended to empower the Albanian community, it was to be done without denying the rights of the Macedonian community.

Perhaps, going along with this process, we’re able to see that decentralization, which was left for last and ranked as the most complicated phase of the Ohrid Agreement, was faced with many difficulties and in denial from the Macedonian side to be properly implemented. Macedonian critics to the Agreement have often raised the pretence that decentralization creates parallel societies and undermines efforts to strengthen the civic society in Macedonia. International analysts like Serwer and others have opposed these ‘concerns’ of the Macedonian critics, stating that political and social stability that the Ohrid Agreement has given will have a positive impact on strengthening the civic society, as well. He, is further convinced that the Agreement has not deepened the gap between ethnic groups, because, Macedonians and Albanians have lived in parallel and separate realities for a long time. Therefore, “this reality has to change and I think it is changing gradually. Civil society cannot be built in one day, it happens when democracy reaches a level of maturity.”³⁸ Patronage has had a different impact on partocratic countries rather than those of Westminster type systems. In the last one, the political system is based on the idea that the government has the power to carry out its program, which program has to be notably different from the opposition’s.³⁹ That’s why, even to this day, there is a deep conviction that the success of the Ohrid Agreement objectives on safeguarding Macedonia’s integrity and creating a functional country of a multiethnic society depends on the Macedonian leadership (government) itself. But, many demands and appeals made to the Macedonian political forces – not to focus on ethnic politics, but on integrating principles of the Agreement – did not produce the desired effect, or better said, they were far from this reality. We witness now that, not at the phase of the legal framework’s adoption, but at its implementation phase, the Macedonian leadership has not shown, and is not showing, any interest in engaging itself in stressing out the integrative aspects of the Ohrid Agreement in order to implement the national rights (of ethnic communities). The international factor has encouraged the Government to fully implement the Ohrid Agreement many times and has repeatedly stated its commitment to further support Macedonia in its Euro-Atlantic integration journey. But, Macedonia is still falling behind. Only one day after his inauguration, the new

³⁸ Daniel Serwer of the American Institute of Peace, August 2006.

³⁹ *Political Parties: Old Concepts and New Challenges: Old Concepts and New Challenges*, Richard Gunther, José Ramón Montero, Juan Linz, OUP Oxford, March 7, 2002.

Macedonian President, Gjorge Ivanov, on his first visit abroad, in Brussels, accompanied by the Prime Minister, Nikola Gruevski, met by the EU High Representative for Foreign and Security Policy, Javier Solana, had the chance to hear once again the overheard and well-known position of Brussels that, “without resolving the name issue with Greece and a full implementation of the Ohrid Agreement, Macedonia’s journey towards the EU membership cannot be finished.”⁴⁰ Also, it is worth stating the message coming from the official Brussels about political events at home. “Macedonia must learn from the best experiences of the European Union regarding the use of languages and improve the use of the Albanian language in education and the Government,” a European Parliament message reads, which is expected to be announced in July.

In the European Parliament website, in 2009, there was published a writing, summarizing parts of the report from EP Member and informant on Macedonia, Eric Meyer, asking to start accession negotiations for Macedonia’s EU membership, but “in the nearest future, just as the necessary criteria are met.” Among other conditions, the report highlights that “Macedonia has to accept the equal value of its citizens’ languages.” The EP recommends that Macedonia pays particular attention to education and public administration, “so that minorities can be equal and live in harmony” and calls upon the two major language groups, “to make their efforts for an equal and peaceful living.” The EP also highlights the statement of EPM Doris Pack, defining the current law on minorities in Macedonia to be “exemplary.” The report emphasizes that “Macedonia has to accept the equal value of its citizens’ languages.” This one should be added the previous statement to (in 2009), of US former Ambassador to Skopje, Gillian Milovanovic, who made clear the fact that the 2001 Agreement must not be left aside. However, even to this day, opinions often indicate that the Ohrid Agreement is being replaced with other agreements reached by Macedonian and Albanian partners of the government coalition. Thus, in 2007 there was an agreement between the BDI leader, Ali Ahmeti and the Macedonian Prime Minister, Nikola Gruevski, and yet another one – in March of 2008, between PDSH and VMRO-DPMNE!

Former NLA soldiers waiting for deferred re-socialization and reintegration

One former NLA military leader, who later became a senior BDI official (a political party which is part of the governing coalition with VMRO-DPMNE), Gezim Ostreni, had declared that former NLA soldiers have to be treated as part of the system, namely by the Government when the

⁴⁰ Javier Solana: *The name and Ohrid Agreement, then EU, Brussels, May 14, 2009.*

status of the fighters, veterans and martyrs' family members is defined. Here, he stated, there were fights between forces loyal to defending the system, being in compliance with the former Constitution and former laws of the country and forces that were demanding to change the social system of Macedonia, changes that were accepted with the Ohrid Agreement. Therefore, equality needs to be set in treating families of the fallen from both sides. Conditions must be provided for such a thing, first of all in making all of this comprehensible and taking all necessary measures.⁴¹ Both, then and now, "there-socialization of former NLA fighters is an integral part of the process of re-establishing mutual trust between Albanians and Macedonians. This process, unfortunately, has remained at a stage of moral private care only, and not at one of institutional care. For the paradox to be even greater, the process of re-socializing former NLA members is overshadowed by Government's determination to give care to Macedonian security force members. The precedent that was created in Parliament when the latest law was passed, designed to cover medical, social and retirement expenses, but only for Macedonian security force members, of those who bombed Sllupcan, Vaksince, Haracina, Radusha, Neproshten, Gajre, those who also killed and massacred innocent civilians, leaving out of this institutional care former NLA members, is a flagrant violation of the Technical-Military Agreement between NLA and NATO, the Agreement that was directly under the auspices of President Trajkovski. Even to this day, there is no hesitation for me to say that the main obstructers to former NLA members' re-socialization have become current government authorities, who dedicate funds to those who shelled Albanian homes, on one hand, while former NLA members are being incarcerated and sentenced draconically, on the other hand. "Re-socialization of former NLA members is being delayed right at a time when Macedonia is in great need for a grand reconciliation of those who had a conflict once. Dragging this conflict out, means an overture in a new conflict, for what, those who resist re-socialization of former NLA members would also be to blame."⁴²

Researching Public Opinion: the Ohrid Agreement – only 47% in favor of the Albanians

The findings of a poll I conducted in November of last year (2013) show that only 31% of the citizens have a positive opinion on the Ohrid Agreement, whereas 47%, give negative considerations, and 22% give no opinion about this Agreement. This research also points out the fact that,

⁴¹ www.lajmet.com/Analiza/Lobi, Skopje, March 31, 2003.

⁴² *The statement of this article's author from his position once, as a member of the Assembly of the Republic of Macedonia.*

Albanians and Macedonians have different opinions about the Agreement. Only 3% of the citizens think that this Agreement serves the Macedonians, whereas 47% of them think it serves the Albanians. Meanwhile, no more than 19% of the citizens think that this Agreement is at service of all the citizens, and 31% have no opinion. Another unpleasant fact is that only 29% of the citizens think that there is betterment in interethnic relations in Macedonia, on account of this Agreement. According to this poll, 52% think that a full implementation of this Agreement would speed up the integration process, while 48% of them think that would not happen, despite the opinion of the 52% of the citizens who think that the Agreement has not yet been implemented as only 12% think it has been fully implemented and 36% don't know how much it has been implemented. Officials here have often tried to calm down people's perceptions about the Ohrid Agreement. However, it is worth saying that this poll's outcome lead to a very important and favorable conclusion on being a multiethnic country, because the realization of the Ohrid Agreement, does not do any harm to any ethnicity in Macedonia; rather, it benefits all. However, not infrequently the "Agreement itself has been misused in order to manipulate the local population, and also gain temporary political profits, harming the common interest." The Ohrid Agreement would've been implemented faster and without interference if political authorities in Macedonia explained to the citizens its importance for the stabilization and the future of the country. More segments of this Agreement have not managed to be realized in time also because of some political factors treating it as a failure to the concept of creating ethnic states.

What Were the Agreement's Obligations (Its Strong Side, if the Agreement was Implemented)?

The conclusion of this Agreement, with all of its segments would give a meaning to the joint statehood and it would make the Albanians be loyal to the country, as well. Just to make an illustration of it, I'll lightly touch on some of the parts from Annexes A and C:⁴³ The official language throughout Macedonia and in the international relations of Macedonia is the Macedonian language and its Cyrillic alphabet. Any other language spoken by at least 20 percent of the population is also an official language, and its alphabet, as set forth herein. Any official personal documents of citizens speaking an official language other than Macedonian will also be issued in that language, in addition to the Macedonian language, in accordance with the law. Any person living in a unit of local self-government in which at least 20 percent of the population speaks an official language other than

⁴³ *The Ohrid Framework Agreement – fragments from annexes A and C.*

http://siofa.gov.mk/data/file/Ramkoven_dogovor_al.pdf

Macedonian, may use any official language to communicate with the regional office of the central government, with responsibility for that municipality; such an office will reply in that language in addition to Macedonian. Any person may use any official language to communicate with a main office of the central government, which will reply in that language in addition to Macedonian. In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law. In the units of local self-government where at least 20 percent of the population speaks a particular language, that language and its alphabet shall be used as an official language in addition to Macedonian and its alphabet. With respect to languages spoken by less than 20 percent of the population of a unit of local self-government, the local authorities will decide on their use in public bodies. The fundamental values of constitutional order of the Republic of Macedonia are: a) The basic freedoms and rights of the individual and citizens, recognized in international law and set down in the Constitution; b) Equitable representation of persons belonging to all communities in public bodies at all levels and in other areas of public life; c) The freedom of religious confession is guaranteed. d) The right to express one's faith freely and publicly, individually or with others and the other expression of religious confession is guaranteed. e) The Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, and other Religious communities and groups are free to establish schools and other social and charitable institutions, by ways of a procedure regulated by law. f) Members of communities have a right freely and publicly to express, foster and develop their identity and community attributes, and to use their community symbols. g) The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities. h) Members of communities have the right to establish institutions for culture, art, science and education, as well as scholarly and other associations for the expression, fostering and development of their identity. i) Members of communities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in another language, the Macedonian language is also studied. j) The Republic guarantees the protection, promotion and enhancement of the historical and artistic heritage of Macedonia and all communities in Macedonia and the treasure of which it is composed, regardless of their legal status. The law regulates the mode and conditions under which specific items of general interest for the Republic can be ceded for use. k) For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the Representatives attending, within which there must be a majority of the votes

of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia. In the event of a dispute within the Assembly, the Committee on Inter-Community Relations shall resolve the dispute. l) The parties invite the international community to assist in the process of strengthening local self-government. The international community should in particular assist in preparing the necessary legal amendments related to financing mechanisms for strengthening the financial basis of municipalities and building their financial management capabilities, and in amending the law on the boundaries of municipalities. m) Taking into account i.e. the recommendations of the already established governmental commission, the parties will take concrete action to increase the representation of members of communities not in the majority in Macedonia in public administration, the military, and public enterprises, as well as to improve their access to public financing for business development. n) The parties commit themselves to ensuring that the police services will by 2004 generally reflect the composition and distribution of the population of Macedonia. As initial steps toward this end, the parties commit to ensuring that 500 new police officers from communities not in the majority in the population of Macedonia will be hired and trained by July 2002, and that these officers will be deployed to areas where such communities live. The parties further commit that 500 additional such officers will be hired and trained by July 2003 and that these officers will be deployed on a priority basis to the areas throughout Macedonia where such communities live. The parties invite the international community to support and assist with the implementation of these commitments, in particular through screening and selection of candidates and their training.

The (dis) agreement (as the Weakest Side of the Agreement)

Even though the Agreement designed the Framework to become a reality by 2004, at the latest, not only was this date violated, there were also unacceptable setbacks and deviations. On the other hand, promises keep coming from the Albanian party, part of the governing coalition. “The Ohrid Agreement is on its way to implementation,” BDI Leader Ali Ahmeti has said, adding that in the four coming years of the government coalition VMRO-DPMNE – BDI significant results are expected, regarding the improvement of Albanian rights in Macedonia. In the mean time, opinions intensify that there should be a new agreement. There is already a stronger opinion about the Ohrid Agreement having expired. Perhaps it looks like the time is now for a new agreement, more explicit and more feasible. As always, not wanting to blame someone for the non-implementation of the actual Ohrid Agreement, still the political and institutional responsibility is with the governing coalition. The Albanian opposition in Macedonia, led by

the Democratic Party of Albanians, is now already blaming directly the Albanian partner of the Macedonian Government – the Democratic Union for Integration, as they say, for “their personal interests, the historic epos of the Albanian people is wasted.”⁴⁴ The leader of the National Democratic Party and former Mayor of the Municipality of Gostivar, Rufi Osmani, has demanded a new Albanian–Macedonian agreement, which would target the amending of the current Constitution and the redefinition of Macedonia as a state of Albanians and Macedonians.⁴⁵ Thus, now it is obvious that the Albanians aren't happy at all, because there hasn't been accomplished anything of what the Ohrid Agreement was anticipated to, as it may be realized from stressing out annexes A and C, taking care of a bunch of steps, part of which are constitutional changes as well, where the Albanians in Macedonia are granted equal rights. About this, the former leader of PDSH, Arben Xhaferi, was constantly saying that if arguments, or the process and dynamics of Ohrid Agreement implementation were to be analyzed, it would be realized that unacceptable modifications have been made and deadlines when the Agreement needed to finally and practically be implemented have been held over.

“The essence of the Ohrid Agreement”⁴⁶

The essence of this Agreement was the Albanian language to become an official one that, by the Ohrid Agreement, it is stated this way: any other language, spoken by at least 20 percent of the population, is also an OFFICIAL LANGUAGE. I say, the essence, because the Macedonians enforce the Latin principle “*Quis lingua eius regio*” (Whoever the language belongs to, it does so the territory). By making the Albanian language official, this principle was spontaneously becoming relative. So, the 20 percent norm is set as a condition for a language to achieve the status of an official use and in no way it is limited to being used only in areas where there are more than 20 percent members of the people belonging to the non-Macedonian one. But, this is not the only modification. The most dangerous one is concealed within Article 2 of the Law on the use of Albanian language, saying: “The state organs of the Republic of Macedonia, MAY also use the official language, other than Macedonian, in accordance with this law.” This modification is not superficial, but it is an essential one. The constitutional definition is apodictic, therefore it is found to be in official use, whereas the law turns this right into a hypothetical opportunity, that is, the verb *is* is replaced with *can*. So, the Albanian language isn't used

⁴⁴ <http://infoarkiva.com/lajme/artikull/iden/242243/titulli/Ahmeti-Jo-marreveshje-te-re-midis-shqiptareve-dhe-maqedonasve>

⁴⁵ “Bota sot,” May 18, 2009.

⁴⁶ Arben Xhaferi, “Is the Ohrid Agreement Being Implemented,” *Ballkan*, May 18, 2009.

automatically, but it may or may not be used. This is a capital difference. In the Ohrid Agreement fair representation is worded like this: “the principle of non-discrimination and equal treatment of all under the law will be respected completely. This principle will be applied in particular with respect to employment in public administration and public enterprises...” Currently, no one can guarantee that this principle has been respected. In order to conceal this fact, statistical explanations that no one can verify, are presented. Government decentralization, especially the financial part, has been replaced with de-concentration. So, the central government has de-concentrated some of its powers with central government segments located in the municipal territory. In annex “C” of the Ohrid Agreement, confidence-building measures are projected. From this chapter originates the Law on amnesty, re-socialization and integration of former members in the conflict of 2001. Article 1 of this Law guarantees amnesty for all the cases, except those that may eventually be investigated by the Hague Tribunal: “This law exempts from prosecution, discontinues the criminal proceedings and fully exempts from execution of the sentence to imprisonment citizens of Macedonia, persons temporarily living in Macedonia..., for whom there is a doubt that they have committed criminal acts related to the conflict in the year 2001, conclusive of 26 September 2001.” According to this Law, the amnesty also applies to acts committed in the preparatory period, as well as the conflict period. “The amnesty also applies to persons who have prepared or committed criminal acts related to the conflict in the year 2001 before the 1st of January 2001” (Article 1 of the Law on Amnesty). The Government of Macedonia, which, according to the agreement proposed and voted the Law on Amnesty, at the same time trying to convince the Tribunal to investigate four cases which, they thought that NLA members allegedly violated international rules. The Tribunal returned these cases back, without any recommendation, because, based on their standards; they found no argument for them to be investigated. After the return of these four cases, the Government of Macedonia, feeling that this conflict must not end without blaming the Albanians, got the court to start investigating these four cases. With this act, the suspension of the Amnesty Law was legalized, just like they preliminarily modified the rights granted at Ohrid negotiations.

The violation of the principle of state laicism is clearly shown in the public announcement for the building of an orthodox cathedral in the Skopje square, “the Ministry of Culture, is respectfully asking you to nominate your representative, who has to be a known architect of this field... We underline that the Ministry of Culture will cover all travel costs and the stay of your elected representative,” - this is how the Ministry of Culture addresses the Apostolic Nuncio to the Republic of Macedonia, his Excellency, Mons. Santos Abril y Castelló. The letter was sent on 6 May 2008, No. 28-4729/2.

Conclusion

The Ohrid Agreement was rightly considered to be the beginning of a new future for Macedonia. It's an Agreement that was believed to repair relations between Macedonians and Albanians and lay the foundations for a new Macedonia to be built on, but it was prey to disagreements and the violation of deadlines. Still, Macedonia, despite this, must understand that it needs to be a country of justice to all its citizens, that it mustn't have existential problems in the field of interethnic issues. The Ohrid Agreement has not been fully implemented, because it still evokes the feeling of defeat to Macedonians. This is also due to the fact that Macedonian authorities don't take any actions to explain to the public that it benefits everyone. In Macedonia, there is no longer an identical attitude on the Ohrid Agreement. One side (read: the Macedonian side) perceives it as an imposed agreement that brings no good to Macedonia; whereas the Albanian side sees the Ohrid Agreement as a political objective and a document that could bring equilibration to the political scene in Macedonia and equality to citizens, regardless of ethnicity. A variety of points of view about the Ohrid Agreement and events from 2001 keep spreading in Macedonia, while this Agreement is strongly supported by international representatives, who facilitated its achievement. After all, inter alia, the Agreement has to keep resolving several other issues: compensation of the 2001 conflict victims, meaning NLA fighters and their families, as well as, passage of the law on Albanian language use, freedom to use national symbols, fair representation of the Albanians at all levels of the government, etc. Macedonia is a country to the Albanian community also and they are asking for the standards to be reached. Brussels, USA and the Albanians, in particular, stress out the necessity of reforms and the Ohrid Agreement implementation. No economic program brings progress to the country, without political stability. Firstly, open issues must be successfully resolved, and then progress will be made. After all, if Macedonia does not respect agreements, then it loses the chances to open her doors to a NATO and EU membership. This is the only way for Macedonia to benefit and serve the peace and stability in the country and elsewhere.

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